

RESOLUTION NO. 23-022

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS RATIFYING THE LOCAL HEALTH EMERGENCY PROCLAIMED BY THE COUNTY HEALTH OFFICER RELATED TO THE RELEASE OF WASTE AT CREEKSIDE CABINS AND RV RESORT

WHEREAS, the affected area (APN 037-130-15, commonly known as "Creekside Cabins and RV Resort") was critically impacted beginning December 30, 2022, by a sinkhole which emerged on the driveway, as a result of severe winter storms in the County leaving the only point of access for ingress and egress inaccessible for residents and critical service providers; and

WHEREAS, the County of Mendocino Director of Emergency Services proclaimed the existence of a local emergency related to the December 2022 to January 2023 winter storms event, on January 6, 2023, which emergency was ratified by the Board of Supervisors on January 10, 2023; and

WHEREAS, the lack of access makes the affected area inaccessible for critical services including, but not limited to, emergency response, septic processing, garbage collection, propane delivery, medical supply delivery, and food delivery; and

WHEREAS, releases of waste from overflowing septic tanks may contaminate wells, the nearby creek, soil, and ground surfaces which may cause immediate and serious health risks if ingested or contacted; and

WHEREAS, the State of California Water Resources Control Board has issued a Boil Water Notice on January 19, 2023, specific to wells sampled in the affected area due to samples establishing very high levels of E. coli (*Escherichia coli*) bacteria; and

WHEREAS, a site inspection on January 20, 2023, by County Code Enforcement and Environmental Health pursuant to an inspection warrant found that sewage from many RV blackwater effluents can be seen on the ground surface in the affected area, that many RV systems are draining sewage and grey water from small hoses directly into and towards the creek running through the affected area, and that such emits an odor characteristic of coliform and other pathogenic bacteria; and

WHEREAS, the local health officer has determined that the prevalence of waterborne bacteria and waste is an immediate and proximate threat to the public health of residents and individuals who may come into contact with the affected area; and

WHEREAS, exposure to unsafe waterborne bacteria can cause infections of the gastrointestinal tract, skin rashes and other infectious diseases; and

WHEREAS; Health and Safety Code sections 101080 and 101075 authorizes a local health officer to declare a local health emergency from a release, spill, escape or entry of waste in any area within the jurisdiction of the health officer and the health officer reasonably determines that release or escape is an immediate threat to the public health; and

WHEREAS, a temporary bridge for exit-only traffic from the site will only be accessible from 8:00 a.m. to 5:00 p.m. on January 25 until January 26, 2023 (and removed on January 27, 2023), due to traffic safety concerns, there will be no access as of January 27, 2023 to enable ongoing critical services necessary for residents to return to the affected area; and

WHEREAS, as a result of these facts on January 21, 2023, the Mendocino County Public Health Officer declared a local health emergency, found that this area presently constitutes a threat to human health, safety, and the environment and constitutes a public nuisance pursuant to Mendocino County Code section 8.75.040(l) and found that the affected area is an immediate menace to the public health requiring its closure pursuant to California Penal Code section 409.5; and

WHEREAS, the declaration of a local health emergency by the Health Officer must be ratified by the Board of Supervisors within seven (7) days.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors ratifies the Health Officer's Declaration of Local Health Emergency.

The foregoing Resolution introduced by Supervisor Williams, seconded by Supervisor Haschak, and carried this 24th day of January, 2023, by the following vote:

AYES: Supervisors McGourty, Mulheren, Haschak, Gjerde, and Williams
NOES: None
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: DARCIE ANTLE
Clerk of the Board

GLENN MCGOURTY, Chair
Mendocino County Board of Supervisors

Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS
County Counsel

BY: DARCIE ANTLE
Clerk of the Board

Deputy