



Council Agenda Report

To: Mayor Uhring and the Honorable Members of the City Council

Prepared by: Susan Dueñas, Public Safety Director

Approved by: Steve McClary, City Manager

Date prepared: May 10, 2024 Meeting date: June 24, 2024

Subject: Resolution Establishing Criteria for Declaring a Local Emergency During Periods of High Fire Risk

RECOMMENDED ACTION: Adopt Resolution No. 24-30 (Attachment 1) establishing criteria for declaring the existence of a local emergency and initiating a program for reducing the risk of fires associated with individuals engaged in unpermitted camping and establishing criteria for when to terminate the local emergency.

FISCAL IMPACT: There is no fiscal impact associated with the recommended action.

STRATEGIC PRIORITY: This item supports the Public Safety priorities identified in the Adopted FY 2023-24 Strategic Priority Project List.

DISCUSSION: California Government Code Section 8630 empowers the City Council to proclaim the existence of a local emergency when there is extreme peril to the safety of persons and property within the territorial limits of the City. This Code also requires that the governing body proclaim the termination of the local emergency at the earliest possible date that conditions warrant.

In 2021 and 2022, the City Council adopted Resolutions (Attachments 2 & 3) that declared the existence of a local emergency and established a program (Program) for reducing the risk of fires associated with individuals engaged in unpermitted camping. These declarations were recommended based on two factors:

- 1) the critically low measurements (less than 65%) and downward trend of the Live Fuel Moisture (LFM), which is the moisture content of living vegetation and an indicator of fire risk, measured by Los Angeles County Fire Department Forestry Division for Santa Monica Mountains Chamise.

- 2) the number of vegetation fires attributed to individuals living in unpermitted encampments in the canyons of the City. In addition, individuals engaged in unpermitted camping in the hillsides are also at significant risk of loss of life due to wildfire since they are unlikely to receive traditional emergency alerts sent through cell phones.

The Program sought to identify and remove individuals engaged in unpermitted camping in areas designated as a Very High Fire Hazard Severity Zone (VHFHSZ) in Malibu and directed city staff to:

- Act in collaboration with the City of Malibu Outreach Team (MOT), Los Angeles County Sheriff's Department (LASD), and LASD-Homeless Outreach Services Team (HOST) to provide appropriate notification to those individuals living in hillside encampments of the potential threat to life and the prohibition in effect; and
- Act in collaboration with the MOT, LASD, and LASD-HOST to identify encampments within the areas designated as VHFHSZ, provide outreach, and offer available resources; and
- Act in collaboration with the MOT, LASD, and LASD-HOST, to ensure that the VHFHSZ remains free of encampments while also ensuring these efforts do not criminalize individuals living unhoused; and
- Act in collaboration with LASD Arson Watch during Red Flag events to watch for signs of smoke columns and fire and communicate early alert and notification of potential wildfire incidents as well as unpermitted activity in canyons and VHFHSZ areas.

To ensure consistency from year to year, staff recommends that the Council adopt a Resolution that establishes criteria that trigger the need to declare a local emergency and implement the Program, as well as conditions that trigger the termination of the local emergency.

Factors to Consider in Developing a Policy

Very High Fire Hazard Severity Zone – The City of Malibu is designated by CAL FIRE as a Very High Fire Hazard Severity Zone (VHFHSZ). Malibu bears this designation based on vegetation, its steeply sloping topography, its fire history, and fire weather factors, all of which increases the risk of wildfire from unpermitted heat sources. Factors, such as wind, relative humidity, and temperature, combined with fuel moisture affected by extreme drought conditions, can produce dangerous fire risk to everyone in the community.

Live Fuel Moisture – In the Santa Monica Mountain Range, most days throughout the year do not provide favorable conditions for large fires to develop. If a fire does break out, it can usually be managed and put out by the local fire resources. However, if there are adverse fuel and weather conditions, the situation can change drastically. When the LFM falls to

60% or less, the situation is considered critical. At this level, chaparral and other fuels burn quickly, much like dead vegetation.

Santa Ana Wind Events – Another significant factor associated with large fire development are Santa Ana wind events, which typically occur between September and January. These wind events are especially dangerous when they meet Red Flag Criteria, foretelling extremely dangerous fire behavior and significant increases in risk to life and property.

Red Flag Weather Conditions – When the National Weather Service issues a Red Flag, it triggers fire departments to augment staffing and apparatus and focus firefighting tactics on evacuations and structure defense.

Specifically, Red Flag Criteria requires dry fuels (when the LFM is at or below 60% and 10-hour Dead Fuel Moisture is at 3% or less) and any one of the following:

1. Relative Humidity of 15% or less with either sustained winds of 25 mph or greater or frequent gusts of 35 mph or greater (duration of 6 hours or more).
2. Relative humidity of 10% or less with either sustained winds of 15 mph or greater or frequent gusts of 25 mph or greater (duration of 6 hours or more).
3. Widespread and/or significant Dry Lightning.
4. Other (forecaster discretion) – unusual but significant meteorological and/or fuel conditions in coordination with GACC or local agency.

Timing of Historical Events – The Santa Monica Mountains witness dry, windy Red Flag conditions around 5-7 times a year, mostly in October, November, and December. In addition, the duration of heightened wildfire risk varies each year depending on summer temperatures, rainfall, and wind. Historically, some of the most devastating fires in Malibu occurred in October and November, including:

- Old Topanga Fire (16,468 acres) in November 1993;
- Calabasas Fire (12,513 acres) in October 1996;
- Corral Canyon Fire (4,708 acres) in November 2007; and,
- Woolsey Fire (96,949 acres) in November 2018.

By the end of December, the wildfire risk in Malibu tends to decrease significantly as the state usually receives rainfall, diminishing the threat of a large wildfire.

Recommended Criteria

To develop a draft set of criteria, staff considered the above factors and worked closely with Los Angeles County Fire Department (LACFD) Assistant Fire Chief Drew Smith, who

is a leading fire behaviorist in the country. As a result, the following draft criteria were developed:

Criteria for declaring a local emergency and implementing the Program:

- When the LFM is 65% or less as determined by Los Angeles County Fire Department Forestry Division for Santa Monica Mountains Chamise.

Justification for the proposed criteria: Although LFM isn't considered critical until it reaches 60%, staff believes that when the LFM is in a downward trend an LFM of 65% is serious enough to justify taking protective actions.

Criteria for terminating the local emergency:

- When the City has received a minimum of 2" of recorded rainfall as determined by Los Angeles County Department of Public Works Season Total (October 1- May 1) for the Big Rock Mesa site; and
- The Live Fuel Moisture is 80% or greater as determined by Los Angeles County Fire Department Forestry Division for Santa Monica Mountains Chamise; and
- There has been no Fire Weather Watch or Red Flag Warning in the previous two weeks; and,
- When there is no Fire Weather Watch or Red Flag Warning in the extended forecast as determined by National Weather Service (NWS) California Fire Weather Forecast for either the Malibu Coast or Santa Monica Mountains NRA.

Justification for the proposed criteria: According to LACFD, as well as historical records of large fires, once the region has received 2" of rain, the risk of large fire growth is diminished. The additional criteria help to protect against terminating the emergency too early.

On February 7, 2024, the Public Safety Commission voted in favor of the recommended policy. The Commission also recommended that staff provide options to the City Council to better define what an extended forecast is.

The extended forecast provided by NWS is one week. Forecasts longer than one week are produced by the Climate Prediction Center, a branch of the NWS. These include 8–14-day outlooks, monthly outlooks, and seasonal outlooks. Unlike regular "zone forecasts" issued by the local NWS office, the climatological outlooks provide probability forecasts.

To address the recommendation from the Public Safety Commission, the Council could amend the fourth criteria to say:

- When there is no Fire Weather Watch or Red Flag Warning in the 8 – 14-day outlook as determined by the Climate Prediction Center of the National Weather Service.

Staff recommends that the Council adopt the attached Resolution establishing criteria for declaring and terminating a local emergency for fire risk conditions. This will provide consistency from year to year and strengthen the city's overall fire prevention program.

ATTACHMENTS:

- 1) Resolution No. 24-30
- 2) Resolution No. 21-49
- 3) Resolution No. 22-42

RESOLUTION NO. 24-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU ESTABLISHING CRITERIA FOR WHEN TO DECLARE THE EXISTENCE OF A LOCAL EMERGENCY AND INITIATE A PROGRAM FOR REDUCING THE RISK OF FIRES ASSOCIATED WITH INDIVIDUALS ENGAGED IN UNPERMITTED CAMPING AND ESTABLISHING CRITERIA FOR WHEN TO TERMINATE THE LOCAL EMERGENCY

The City Council of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

- A. Wildfires are a frequent natural and man-made disaster in California, causing significant harm and loss to individuals, communities, and wildlife. The frequency, duration, and size of wildfires have significantly increased over the past several decades. Ten of the largest fires in California's history occurred in 2018 or later. Malibu is among the areas devastated by wildfire - losing hundreds of homes and acres of vegetation and suffering hundreds of millions of dollars in damages in the 2018 Woolsey Fire which also took three lives.
- B. A vegetation fire in Malibu at any time of the year poses a danger to life and property. A vegetation fire during a Red Flag event poses extreme peril to the safety of persons and property within Malibu. Historically, the most devastating wildfires in Malibu have occurred between September and January when the wildland and chaparral are at their driest, the Santa Ana winds are most prevalent, and the humidity is at its lowest.
- C. CAL Fire has identified three zones based on increasing fire hazard severity: medium, high, and very high. Considering various factors such as historical fire patterns, proximity to wildland and parkland, abundant chaparral, and severe drought, CAL FIRE has classified the entire area where the City of Malibu is situated as a Very High Fire Hazard Severity Zone (VHFHSZ).
- D. Live fuel moisture (LFM) is a common indicator of fire risk and an LFM of 60% or lower is considered critical. Each year, local fire risk conditions have continually hit critical levels. And as climate change extends and exacerbates our local fire season, the risk of harm or loss of life for individuals increases.
- E. Individuals engaged in unpermitted camping in the VHFHSZ are at significant risk of loss of life due to being trapped by wildfires since they are not likely to receive traditional emergency alerts sent through cell phones. In addition, individuals who are attempting to leave the mountainous region during a wildfire could be trapped by fires that start from the ember cast that precedes the fire front in a wind-driven fire. This situation also increases the risk that emergency responders may have to divert resources from fighting the fire to assist these individuals.

- F. Individuals engaged in unpermitted camping in the VHFHSZ may be reliant on fires for everyday activities, including cooking food and keeping warm. These activities increase the risk of nearby brush catching fire and rapidly spreading.
- G. Malibu has experienced numerous vegetation fires linked to individuals engaged in unpermitted camping in areas designated as VHFHSZ and in 2021, Malibu experienced more than twenty-three fires attributed to this cause.

SECTION 2. The City Council does hereby adopt the following criteria for declaring a local emergency and implementing a program to reduce the risk of fires associated with individuals engaged in unpermitted camping:

- A. When the LFM is 65% or less as determined by Los Angeles County Fire Department Forestry Division for Santa Monica Mountains Chamise, staff shall bring a Resolution to the City Council that declares a local emergency and initiates a program to identify and remove any individuals engaged in unpermitted camping in areas designated as a VHFHSZ in Malibu.

The City Council does hereby adopt the following criteria for terminating the local emergency:

- A. When the City has received a minimum of 2" of recorded rainfall as determined by the Los Angeles County Department of Public Works Season Total (October 1- May 1) for the Big Rock Mesa site; and
- B. The Live Fuel Moisture is 80% or greater as determined by Los Angeles County Fire Department Forestry Division for Santa Monica Mountains Chamise; and
- C. There has been no Fire Weather Watch or Red Flag Warning in the previous two weeks; and,
- D. When there is no Fire Weather Watch or Red Flag Warning in the extended forecast as determined by the National Weather Service California Fire Weather Forecast for either the Malibu Coast or Santa Monica Mountains NRA.

SECTION 3. This resolution and the actions taken and/or proposed herein are not a project pursuant to the California Environmental Quality Act (CEQA) since they are activities that are excluded from the definition of a project by section 21065 of the California Public Resources Code and section 15378(b) of the State CEQA Guidelines. The proposed actions are organizational or administrative activities of government which will not result in direct or indirect physical changes in the environment. In the alternative, find that the actions are exempt from CEQA as specific actions necessary to prevent or mitigate an emergency pursuant to section 21080(b)(4) and section 15269(c) of the State CEQA Guidelines.

SECTION 4. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, and ADOPTED this 24th day of June 2024.

STEVE UHRING, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:
THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

TREVOR RUSIN, Interim City Attorney

RESOLUTION NO. 21-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU DECLARING THE EXISTENCE OF A LOCAL EMERGENCY AND ESTABLISHING A PROGRAM FOR REDUCING THE RISK OF FIRES ASSOCIATED WITH INDIVIDUALS LIVING UNHOUSED AND OTHERWISE ENGAGED IN UNPERMITTED AND UNREGULATED CAMPING

The City Council of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

- A. Wildfires are a frequent natural and man-made disaster in California, causing significant harm and loss to individuals, communities, wildlife. The frequency, duration and size of wildfires have significantly increased over the past several decades with six of the seven largest fires in California's history occurring in the last 13 months. Malibu is among the areas devastated by wildfire in just the past few years – losing hundreds of homes and acres of vegetation, and suffering hundreds of millions of dollars in damages in the Woolsey Fire which also took three lives.
- B. Researchers at UC Irvine reported that the State's burn season has grown longer and longer over the last 20 years, now beginning in May, rather than June, with the peak shifting from August to July. Los Angeles County's (County) unusually extreme heat, coupled with bone-dry terrain, has created ideal conditions for more rapid spread when fires occur.
- C. A vegetation fire in Malibu at any time of the year poses a danger to life and property. A vegetation fire during a Santa Ana wind event poses extreme peril to the safety of persons and property within Malibu. Historically, the most devastating wildfires in Malibu have occurred between the months of September through January when the wildland and chaparral are at their driest and the Santa Ana winds are most prevalent – with the Woolsey Fire being the latest and most severe wildfire in Malibu.
- D. While most of California is subject to some degree of fire risk, specific features make some areas particularly hazardous. State law requires the California Department of Forestry and Fire Protection ("CAL FIRE") to identify areas based on the severity of fire hazard that is expected to prevail there. These areas, or "zones," are based on factors such as fuel, slope, and fire weather.
- E. There are three zones based on increasing fire hazard: medium, high, and very high. As we go through the 2021 fire season, we must be diligent in reducing the risk of fire, particularly in areas with the highest hazard, which are designated Very High Fire Hazard Severity Zones ("VHFHSZ").
- F. Considering a host of factors, including historical fire patterns, proximity to wildland and parkland, extensive chaparral, and severe drought, CAL FIRE has designated the entirety of the City of Malibu a VHFHSZ.

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- G. The County currently has the largest population of individuals living unhoused in the nation. While many individuals living unhoused do so in urban centers, a growing number have migrated to more remote, mountainous regions, as well as coastal communities, such as Malibu. As more individuals elect to live unhoused within high fire zones, the risk of fires starting and causing harm and loss of life has also increased.
- H. Unhoused individuals living in the VHFHSZ are at significant risk of loss of life due to being trapped by wildfires since they are not likely to receive traditional emergency alerts sent through cell phones. In addition, individuals who are attempting to leave the mountainous region during a wildfire could be trapped by fires that start from the ember cast that precedes the fire front in a wind driven fire. This situation also increases the risk that emergency responders may have to divert resources from fighting the fire to assist these individuals.
- I. A 2018 Strategic Plan (“Plan”) developed by Malibu identified the City’s efforts to address this situation on many fronts. For example, the City of Malibu has explored and continues to explore ways to participate in a broad effort to address the root causes of homelessness.
- J. Among other things, the City of Malibu’s Plan goals include connecting individuals with services and temporary and permanent housing solutions and preventing and mitigating the health and safety impacts of homelessness on individuals and the community.
- K. To achieve these ends, the City of Malibu has worked closely with a “Homelessness Working Group” comprised of interested members of the public and outreach workers from The People Concern, a social services agency in the West Los Angeles area, dedicated to engaging the local homeless population.
- L. Since 2018, the City of Malibu’s outreach team (the “MOT”) has helped 136 individuals move into either temporary (27) or permanent (28) housing or reconnect with their families (81). The City of Malibu also partners with the Los Angeles County Sheriff’s Department (“LASD”) and its Homeless Outreach Services Team (“HOST”) to clear and clean the sites of encampments of people living unhoused (“PLU”) according to established protocols (i.e. PLU are given advanced warning of any scheduled clean-up and offered access to outreach services).
- M. Clean-up efforts have enabled the City of Malibu to (1) connect PLU with services and housing; (2) help prevent wildfires caused by fire and heating devices used for warming and cooking; and (3) remove human waste and other unsanitary conditions found in public parks, which create a health hazard for camp occupants and park visitors and impede the public’s use and enjoyment of the parks.

- N. Despite Malibu's efforts described above, Malibu continues to witness a significant number of PLU and otherwise engaged in unpermitted and unregulated camping in areas designated as VHFHSZ.
- O. PLU may be reliant on fires for everyday activities, including cooking food and keeping warm. These activities also increase the risk of nearby brush catching fire and rapidly spreading. PLU in high-fire zones may miss emergency notifications and may experience challenges in safely evacuating. Additionally, efforts to notify or evacuate PLU in remote locations can cause undue harm to outreach workers and emergency responders.
- P. In just the past year, Malibu has experienced seventeen fires attributed to PLU in area designated as VHFHSZ. In prior years, Malibu has experienced multiple other vegetation fires linked to PLU in area designated as VHFHSZ. Fortunately, those fires have been identified quickly, the winds were calm, and Los Angeles County Fire Department was able to extinguish these fires without loss of life and with only minimal loss of property— albeit not without injuries to some fire fighters. With less fortunate conditions, any one of those fires could have grown into the next Woolsey Fire (or worse).
- Q. Despite a significant increase in fire prevention efforts, there are still areas designated as VHFHSZ where, because of location, access, terrain, and fuels, the risk of a fire starting and rapidly spreading remains incredibly high. As climate change extends and exacerbates our local fire season, particular areas of Malibu pose too much risk of harm or loss of life for PLU, residents, outreach teams, and first responders, to allow PLU to remain in those areas.
- R. Local fire risk conditions in 2021 have hit historic levels. Live fuel moisture (LFM) is a key indicator of fire risk and an LFM of 60% or lower is considered critical. In the Santa Monica Mountains, the LFM is currently at 57%, far drier than in August 2020 when it stood at 70% which is the historical average for this time of year.
- S. As we enter what may be the most devastating fire season on record, it is critical that we move with urgency to reduce the risk of occurrence and spread.
- T. For these reasons, PLU in areas designated as VHFHSZ pose a clear and imminent danger demanding immediate action to prevent or mitigate loss of, or damage to life, health, property and/or essential services.
- U. California Government Code Section 8630 empowers the City Council to proclaim the existence of a Local Emergency when there is extreme peril to the safety of persons and property within the territorial limits of the City. Additionally, California Government Code Section 8634 empowers the City Council to promulgate orders and regulations necessary to provide for the protection of life and property during the time of a Local Emergency. These statutes codify the constitutional "police powers" of local governments to

adopt local legislation designed to protect the health, safety, and welfare of the community.

- V. The extreme peril to the safety of persons and property within Malibu associated with PLU in areas designated as a VHFHSZ outweighs any arguable right that an individual may have to live unhoused or to camp in such areas. To mitigate the risk of fires, Malibu should prohibit PLU in areas designated VHFHSZ and which pose an extreme risk of fire danger. All necessary efforts to connect PLU to resources should occur and should be led by the best practices for addressing PLU such that no individual is criminalized simply for not having a home.

SECTION 2. It is hereby proclaimed that:

1. The potential for a wildfire in Malibu currently poses extreme peril to persons and property in Malibu. As such, a local emergency now exists throughout the City of Malibu, which will remain in effect until the extreme danger of wildfire subsides;
2. To prevent the occurrences of fire and loss of life and property, homeless encampments are prohibited in areas designated as a VHFHSZ in Malibu;
3. City Staff is directed to act in collaboration with the MOT, LASD and LASD-HOST to provide appropriate notification of the prohibition to those PLU residing in encampments;
4. City Staff is directed to act in collaboration with the MOT, LASD and LASD-HOST to identify homeless encampments within areas designated a VHFHSZ, provide outreach, and offer available resources. Homeless encampments offered outreach should be prioritized based on risk level associated with location, access, and terrain, and fuels;
5. City Staff is directed to act in collaboration with the MOT, LASD and LASD-HOST, to ensure that the VHFHSZ remains free of homeless encampments, while also ensuring these efforts do not criminalize PLU;
6. The City is directed to request that the County expand its August 10, 2021 Motion related to reducing risk of fires in VHFHSZ to all of Los Angeles County;
7. City Staff is directed to act in collaboration with the MOT, LASD and LASD-HOST, to provide an initial report back after 30 days on progress relocating PLU in homeless encampments, and an analysis of resources needed to sustain this effort and ongoing progress reports every 60 days thereafter; and

8. City Staff is directed to continue to monitor and report back quarterly on fires that have been linked to PLU in Malibu and to develop appropriate prevention strategies for areas that have seen multiple incidents.

SECTION 3. The local emergency shall be deemed to continue and exist until its termination is proclaimed by the City Council. As required by law, the City Council shall review the need to continue the state of emergency every 60 days until this resolution is terminated.

SECTION 4. This resolution and the actions taken and/or proposed herein are not a project pursuant to the California Environmental Quality Act (CEQA) since they are activities that are excluded from the definition of a project by section 21065 of the California Public Resources Code and section 15378(b) of the State CEQA Guidelines. The proposed actions are organizational or administrative activities of government which will not result in direct or indirect physical changes in the environment. In the alternative, find that the actions are exempt from CEQA as specific actions necessary to prevent or mitigate an emergency pursuant to section 21080(b)(4) and section 15269(c) of the State CEQA Guidelines.

SECTION 5. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, and ADOPTED this 23rd day of August 2021.



PAUL GRISANTI, Mayor

ATTEST:



KELSEY PETTIJOHN, Acting City Clerk
(seal)

This proclamation has been issued in accordance with applicable law, is in effect and carries the force of law until October 25, 2021, on which date it expires unless the declaration of local emergency is extended by the City Council.

APPROVED AS TO FORM:



JOHN COTTI, Interim City Attorney

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 21-49 was passed and adopted by the City Council of the City of Malibu at the Regular meeting thereof held on the 23rd day of August 2021 by the following vote:

AYES:	5	Councilmembers:	Farrer, Pierson, Uhring, Silverstein, Grisanti
NOES:	0		
ABSTAIN:	0		
ABSENT:	0		



KELSEY PETTIJOHN, Acting City Clerk
(seal)

RESOLUTION NO. 22-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU
DECLARING THE EXISTENCE OF A LOCAL EMERGENCY AND
INITIATING A PROGRAM FOR REDUCING THE RISK OF FIRES
ASSOCIATED WITH INDIVIDUALS LIVING UNHOUSED AND OTHERWISE
ENGAGED IN UNPERMITTED AND UNREGULATED CAMPING

The City Council of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

- A. Wildfires are a frequent natural and man-made disaster in California, causing significant harm and loss to individuals, communities, wildlife. The frequency, duration and size of wildfires have significantly increased over the past several decades with ten of the largest fires in California's history occurring in 2018 or later. Malibu is among the areas devastated by wildfire in just the past few years - losing hundreds of homes and acres of vegetation, and suffering hundreds of millions of dollars in damages in the Woolsey Fire which also took three lives.
- B. Researchers at UC Irvine reported that the State's burn season has grown longer and longer over the last 20 years, now beginning in May, rather than June, with the peak shifting from August to July. Los Angeles County's (County) unusually extreme heat, coupled with bone-dry terrain, has created ideal conditions for more rapid spread when fires occur.
- C. A vegetation fire in Malibu at any time of the year poses a danger to life and property. A vegetation fire during a Red Flag event poses extreme peril to the safety of persons and property within Malibu. Historically, the most devastating wildfires in Malibu have occurred between the months of September through January when the wildland and chaparral are at their driest, the Santa Ana winds are most prevalent, and the humidity at its lowest - with the Woolsey Fire being the latest and most severe wildfire in Malibu.
- D. While most of California is subject to some degree of fire risk, specific features make some areas particularly hazardous. State law requires the California Department of Forestry and Fire Protection ("CAL FIRE") to identify areas based on the severity of fire hazard that is expected to prevail there. These areas, or "zones," are based on factors such as fuel, slope, and fire weather.
- E. CAL Fire identified three zones based on increasing fire hazard severity: medium, high, and very high. Each year, as the fire season progressively worsens, we must be diligent in reducing the risk of fire, particularly in areas with the highest hazard, which are designated Very High Fire Hazard Severity Zones ("VHFHSZ").

- F. Considering a host of factors, including historical fire patterns, proximity to wildland and parkland, extensive chaparral, and severe drought, CAL FIRE has designated the entirety of the City of Malibu a VHFHSZ.
- G. The County currently has the largest population of individuals living unhoused in the nation. While many individuals living unhoused do so in urban centers, a growing number have migrated to more remote, mountainous regions, as well as coastal communities, such as Malibu. As more individuals live unhoused within high fire zones, the risk of fires starting and causing harm and loss of life has also increased.
- H. Unhoused individuals living in the VHFHSZ are at significant risk of loss of life due to being trapped by wildfires since they are not likely to receive traditional emergency alerts sent through cell phones. In addition, individuals who are attempting to leave the mountainous region during a wildfire could be trapped by fires that start from the ember cast that precedes the fire front in a wind driven fire. This situation also increases the risk that emergency responders may have to divert resources from fighting the fire to assist these individuals.
- I. A 2018 Strategic Plan ("Plan") developed by Malibu identified the City's efforts to address this situation on many fronts. For example, the City of Malibu has explored and continues to explore ways to participate in a broad effort to address the root causes of homelessness.
- J. Among other things, the goals of the City of Malibu's Plan include connecting individuals with services, identifying temporary and permanent housing solutions, and preventing and mitigating the health and safety impacts of homelessness on individuals and the community.
- K. To achieve these ends, the City of Malibu has worked closely with a "Homelessness Working Group" comprised of interested members of the public and outreach workers from The People Concern, a social services agency in the West Los Angeles area, dedicated to engaging the local homeless population.
- L. Since 2018, the City of Malibu's Outreach Team (the "MOT") has helped 136 individuals move into either temporary (27) or permanent (28) housing or reconnect with their families (81). The City of Malibu also partners with the Los Angeles County Sheriff's Department ("LASD") and its Homeless Outreach Services Team ("HOST") to clear and clean the sites of encampments of people living unhoused ("PLU") according to established protocols (i.e. PLU are given advanced warning of any scheduled clean-up and offered access to outreach services).

- M. Clean-up efforts have enabled the City of Malibu to (1) connect PLU with services and housing; (2) help prevent wildfires caused by fire and heating devices used for warming and cooking; and (3) remove human waste and other unsanitary conditions found in public parks, which create a health hazard for camp occupants and park visitors and impede the public's use and enjoyment of the parks.
- N. Despite Malibu's efforts described above, Malibu continues to witness a significant number of PLU and otherwise engaged in unpermitted and unregulated camping in areas designated as VHFHSZ.
- O. PLU may be reliant on fires for everyday activities, including cooking food and keeping warm. These activities also increase the risk of nearby brush catching fire and rapidly spreading. PLU in high-fire zones may miss emergency notifications and may experience challenges in safely evacuating. Additionally, efforts to notify or evacuate PLU in remote locations can cause undue harm to outreach workers and emergency responders.
- P. In 2021, Malibu experienced more than twenty-three fires attributed to PLU in area designated as VHFHSZ. In prior years, Malibu has experienced multiple other vegetation fires linked to PLU in areas designated as VHFHSZ. Fortunately, those fires have been identified quickly, the winds were calm, and the Los Angeles County Fire Department was able to extinguish these fires without loss of life and with only minimal loss of property - albeit not without injuries to some fire fighters. With less fortunate conditions, any one of those fires could have grown into a large destructive fire such as the Woolsey Fire (or worse).
- Q. Despite a significant increase in fire prevention efforts, there are still areas designated as VHFHSZ where, because of location, access, terrain, and fuels, the risk of a fire starting and rapidly spreading remains incredibly high. As climate change extends and exacerbates our local fire season, particular areas of Malibu pose extreme risk of harm or loss of life for PLU, residents, outreach teams, and first responders, to allow PLU to remain in those areas.
- R. Each year, local fire risk conditions have continually hit critical levels. Live fuel moisture (LFM) is a common indicator of fire risk and a LFM of 60% or lower is considered critical. However, a LFM of 65% or lower indicates a likelihood of reaching this 60% critical level. Waiting until this critical LFM level is met may reduce the time the City has to prepare and begin taking preventative actions. In the Santa Monica Mountains, the LFM is currently at 63%.
- S. The dry, windy, and low humidity conditions of Red Flag events occur in the Santa Monica Mountain Range approximately 5-7 times each year, mostly during the months of October, November, and December. As another potentially dangerous and

destructive fire season develops, it is critical that we move with urgency to reduce the risk of fire occurrence and spread.

- T. For these reasons, PLU in areas designated as VHFHSZ pose a clear and imminent danger demanding immediate action to prevent or mitigate loss of, or damage to life, health, property and/or essential services.
- U. California Government Code Section 8630 empowers the City Council to proclaim the existence of a Local Emergency when there is extreme peril to the safety of persons and property within the territorial limits of the City. Additionally, California Government Code Section 8634 empowers the City Council to promulgate orders and regulations necessary to provide for the protection of life and property during the time of a Local Emergency. These statutes codify the constitutional "police powers" of local governments to adopt local legislation designed to protect the health, safety, and welfare of the community.
- V. The extreme peril to the safety of persons and property within Malibu associated with PLU in areas designated as a VHFHSZ, including to the PLU, outweighs any arguable right that an individual may have to live unhoused or to camp in such areas. To mitigate the risk of fires, Malibu should prohibit PLU in areas designated VHFHSZ and which pose an extreme risk of fire danger. All necessary efforts to connect PLU to resources should occur and should be led by the best practices for addressing PLU such that no individual is criminalized simply for not having a home.

SECTION 2. It is hereby proclaimed that;

- 1. The potential for a wildfire in Malibu continues to pose extreme peril to persons and property in Malibu. As such, the City Council finds that a declaration of local emergency is necessary, and will remain in effect until the extreme danger of wildfire subsides;
- 2. To prevent the occurrences of fire and loss of life and property, homeless encampments are prohibited in areas designated as a VHFHSZ in Malibu;
- 3. City Staff is directed to act in collaboration with the MOT, LASD and LASD-HOST to provide appropriate notification of the prohibition to those PLU residing in encampments;
- 4. City Staff is directed to act in collaboration with the MOT, LASD and LASD-HOST to identify homeless encampments within areas designated a VHFHSZ, provide outreach, and offer available resources. Homeless encampments offered outreach should be prioritized based on risk level associated with location, access, and terrain, and fuels;

5. City Staff is directed to act in collaboration with the MOT, LASD and LASD-HOST, to ensure that the VHFHSZ remains free of homeless encampments, while also ensuring these efforts do not criminalize PLU;
6. City Staff is directed to request that the County expand its August 10, 2021 Motion related to reducing risk of fires in VHFHSZ to all of Los Angeles County;
7. City Staff is directed to act in collaboration with the MOT, LASD and LASD-HOST, to provide an initial report back after 30 days on progress relocating PLU in homeless encampments in the VHFHSZ, and an analysis of resources needed to sustain this effort and ongoing progress reports every 60 days thereafter; and
8. City Staff is directed to continue to monitor and report back quarterly on fires that have been linked to PLU in Malibu and to develop appropriate prevention strategies for areas that have seen multiple incidents.

SECTION 3. The local emergency shall be deemed to continue and exist until its termination is proclaimed by the City Council. As required by law, the City Council shall review the need to continue the state of emergency every 60 days until this resolution is terminated.

SECTION 4. This resolution and the actions taken and/or proposed herein are not a project pursuant to the California Environmental Quality Act (CEQA) since they are activities that are excluded from the definition of a project by section 21065 of the California Public Resources Code and section 15378(b) of the State CEQA Guidelines. The proposed actions are organizational or administrative activities of government which will not result in direct or indirect physical changes in the environment. In the alternative, find that the actions are exempt from CEQA as specific actions necessary to prevent or mitigate an emergency pursuant to section 21080(b)(4) and section 15269(c) of the State CEQA Guidelines.


SECTION 5. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, and ADOPTED this 27th day of September 2022.




PAUL GRISANTI, Mayor

ATTEST:


KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:


TREVOR RUSIN, Interim City Attorney

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 22-~~42~~ was passed and adopted by the City Council of the City of Malibu at the Regular meeting thereof held on the ~~21~~²² day of ~~Sept~~^{Sept} 2022 by the following vote:

AYES:	4	Councilmembers:	Farrer, Uhring, Silverstein, Grisanti
NOES:	0		
ABSTAIN:	0		
ABSENT:	1	Councilmembers:	Pierson


KELSEY PETTIJOHN, City Clerk
(seal)