



Council Agenda Report

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

Prepared by: Kelsey Pettijohn, City Clerk

Reviewed by: Patrick Donegan, Assistant City Attorney

Approved by: Steve McClary, City Manager

Date prepared: August 24, 2023 Meeting date: August 28, 2023

Subject: Resolution Ratifying the Director of Emergency Services' Proclamation of Existence of a Local Emergency – Tropical Storm Hilary

RECOMMENDED ACTION: Adopt Resolution No. 23-42 ratifying the proclamation of existence of a local emergency by the Director of Emergency Services.

FISCAL IMPACT: There is no fiscal impact with the recommended action. The existence of the local emergency will help qualify the City for the possibility of reimbursement for disaster response expenditures.

WORK PLAN: This item was not included in the Adopted Work Plan for FY 2022-2023. This project is part of normal staff operations. Staff continue to work on ongoing projects and normal business while the FY 2023-24 Work Plan is finalized.

DISCUSSION: The City has an emergency plan, including an emergency services organization that is activated in the event of emergency to coordinate functions of the City with all other public agencies, organizations and those people affected by the disaster. Title 2, Chapter 2.52 of the Malibu Municipal Code empowers the Director of Emergency Services to proclaim the existence of a local emergency when the City is affected by a public calamity and the City Council is not in session. The Director's declaration is subject to City Council ratification within seven days.

An emergency exists when conditions are beyond the control of the services, personnel, equipment, and facilities of this City. The declaration is an acknowledgement of the need for the combined forces of other political subdivisions to combat.

On August 20, 2023, Tropical Storm Hilary arrived in Malibu and delivered more than 4 inches of rain in many areas of the City. The storm consisted of periods of heavy rainfall, producing mud and debris that fell within the City streets, creating unsafe conditions for passage; and the sustained high winds and wind gusts caused damage to street signs citywide. Public Works crews worked throughout the day and night monitoring City streets, inspecting and clearing City storm drains, and clearing significant storm related debris including rocks, mud, sediment, and downed trees and branches.

On August 19, 2023, California Governor Gavin Newsom declared a State of Emergency as a result of Tropical Storm Hilary.

On August 24, 2023, the Director of Emergency Services (City Manager) proclaimed the existence of a local emergency, which proclamation will expire August 31, 2023 unless ratified by the City Council.

Before the City Council today is a resolution ratifying the Director's declaration and proclaiming a state of local emergency. If adopted, the City Council will review, and as needed renew, this action at least every 60 days. The declaration will enable City staff to take actions to respond to the conditions created by the winter storms and will assist residents and the City in obtaining aid and other assistance.

ATTACHMENTS:

1. Resolution No. 23-42
2. Proclamation of Existence of a Local Emergency

RESOLUTION NO. 23-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU CONFIRMING EXISTENCE OF A LOCAL EMERGENCY, AND RATIFYING THE PROCLAMATION OF LOCAL EMERGENCY BY THE DIRECTOR OF EMERGENCY SERVICES

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

SECTION 1. Recitals.

A. Title 2, Chapter 2.52 of the Malibu Municipal Code designates the City Manager as the Director of Emergency Services and empowers him to proclaim the existence or threatened existence of a local emergency if the City Council is not in session, subject to ratification by the City Council within seven days, when the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the City exist which are likely to be beyond the control of the services, personnel, equipment, and facilities of this City, requiring the combined forces of other political subdivisions to combat.

B. On August 20, 2023, Tropical Storm Hilary arrived in Malibu and delivered more than 4 inches of rain in many areas of the City. The storm consisted of periods of heavy rainfall, producing mud and debris that fell within the City streets, creating unsafe conditions for passage; and the sustained high winds and wind gusts caused damage to street signs citywide. Public Works crews worked throughout the day and night monitoring City streets, inspecting and clearing City storm drains, and clearing significant storm related debris including rocks, mud, sediment, and downed trees and branches.

C. On August 19, 2023, California Governor Gavin Newsom declared a State of Emergency as a result of Tropical Storm Hilary.

D. The Director of Emergency Services of the City proclaimed the existence of a local emergency on August 24, 2023, which proclamation will expire August 31, 2023 unless ratified by the City Council.

E. Additional repairs and debris clearance will be necessary in the weeks to come to alleviate the present conditions of disaster or extreme peril to the safety of persons and property.

F. Under Government Code section 8630(b), a proclamation of local emergency must be ratified by the City Council within seven (7) days to remain in effect;

G. Government Code section 8630 generally requires the City Council to review the need for continuing the local emergency at least every sixty (60) days; and

H. The City Council desires to declare a local emergency and ratify the proclamation of local emergency by the City Manager

SECTION 2. The Proclamation of Existence of a Local Emergency issued by the Director of Emergency Services is hereby ratified.

SECTION 3. It is hereby proclaimed that a local emergency now exists throughout the City. It is further proclaimed and ordered that during the existence of this local emergency the powers, functions, and duties of the Director of Emergency Services and the emergency organization of this City shall be those prescribed by State law and by the ordinances and resolutions of this City.

SECTION 4. 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 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 28th day of August 2023.

BRUCE SILVERSTEIN, 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



City of Malibu

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PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY (by the Director of Emergency Services)

AN EXECUTIVE ORDER OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF MALIBU DECLARING THE EXISTENCE OF A LOCAL EMERGENCY

WHEREAS, the California Emergency Services Act, Government Code sections 8550, *et seq.*, authorizes the proclamation of a local emergency when conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a city exist; and

WHEREAS, Title 2, Chapter 2.52 of the City of Malibu's Municipal Code designates the City Manager as the Director of Emergency Services and empowers him to proclaim the existence, or threatened existence, of a local emergency when such conditions exist and the City Council is not in session; and

WHEREAS, the Director of Emergency Services of the City of Malibu does hereby find as follows:

That conditions of disaster and extreme peril to the safety of persons and property have arisen within the City as a result of Tropical Storm Hilary, which arrived in Malibu on August 20, 2023;

The storm delivered more than 4 inches of rain in many areas of the City, and consisted of periods of heavy rainfall, producing mud and debris that fell within the City streets, creating unsafe conditions for passage;

That sustained high winds and wind gusts caused damage to street signs citywide;

That Public Works crews worked throughout the day and night monitoring City streets, inspecting and clearing City storm drains, and clearing significant storm related debris including rocks, mud, sediment, and downed trees and branches;

That additional repairs and debris clearance will be necessary in the weeks to come to alleviate the present conditions of disaster or extreme peril to the safety of persons and property as defined in MMC 2.52.020 and Government Code section 8558(c)(1);

That the City Council of the City of Malibu is not in session; and

That these conditions warrant and necessitate that the City of Malibu declare the existence of a local emergency.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency now exists throughout the City; and

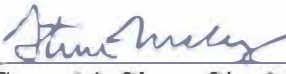
BE IT FURTHER PROCLAIMED that this proclamation shall be in effect for a period of seven days by which time it must be ratified by the City Council pursuant to Government Code section 8630; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, by ordinances, and resolutions of this city, and by the City of Malibu Emergency Operations Plan, as approved by the City Council on February 25, 2019.

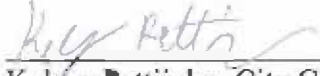
ADOPTED this 24th day of August 2023.

CITY OF MALIBU, CALIFORNIA

By:



Steve McClary, City Manager
Director of Emergency Services

ATTEST:


Kelsey Pettijohn, City Clerk
(seal)

This proclamation has been issued in accordance with applicable law, is in effect and carries the force of law until August 31, 2023, on which date it expires unless the declaration of local emergency is ratified by the City Council within 7 days of this date.

REVIEWED AND APPROVED AS TO FORM:


Patrick Donegan, Assistant City Attorney

