



Council Agenda Report

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

Prepared by: Kelsey Pettijohn, City Clerk

Reviewed by: Trevor Rusin, Interim City Attorney

Approved by: Steve McClary, City Manager

Date prepared: January 18, 2023 Meeting date: January 23, 2023

Subject: Resolution Ratifying the Director of Emergency Services'
Proclamation of Existence of a Local Emergency

RECOMMENDED ACTION: Adopt Resolution No. 23-04 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 Fiscal Year 2022-2023. This project is part of normal staff operations.

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 merited and the City Council is not in session. The Director's declaration requires the City Council to ratify it within seven days.

An emergency is defined in MMC section 2.52.020 and means 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. The declaration finds that such conditions exist and

allows the City to take actions and seek resources to address the situation, including through access to resources reserved by the County for such emergencies.

On January 8, 2023, a rainstorm began that delivered more than 4 inches of rain in many areas of the City, which came after receiving more than 5 inches of rain in the prior weeks, and caused rock and mudslides on canyon roads and street flooding, creating unsafe conditions for passage. 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. The rain forecasted for the coming weeks is likely to increase further flooding and rock and mudslide risks.

On January 9, 2023, the President of the United States declared a federal emergency as a result of successive and severe winter storms, flooding, and mudslides.

On January 16, 2023, California Governor Gavin Newsom declared a State of Emergency as a result of the severe winter storms.

On January 17, 2023, the Director of Emergency Services (City Manager) proclaimed the existence of a local emergency, which proclamation will expire January 24, 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. 23-04
2. Proclamation of Existence of a Local Emergency

RESOLUTION NO. 23-04

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 January 8, 2023, a rainstorm began that delivered more than 4 inches of rain in many areas of the City, which came after receiving more than 5 inches of rain in the prior weeks, and caused rock and mudslides on canyon roads and street flooding, creating unsafe conditions for passage. 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 January 9, 2023, the President of the United States declared a federal emergency as a result of successive and severe winter storms, flooding, and mudslides. Additionally, on January 16, 2023, California Governor Gavin Newsom declared a State of Emergency as a result of the severe winter storms.

D. The Director of Emergency Services of the City proclaimed the existence of a local emergency on January 17, 2023, which proclamation will expire January 24, 2023 unless ratified by the City Council.

E. Rain is forecasted for the City in the coming weeks, which is likely to increase further flooding and rock and mudslide risks.

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. M. 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 ___th day of ____ 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 a rainstorm that began on January 8, 2023;

That the rainstorm delivered more than 4 inches of rain in many areas of the City, which came after receiving more than 5 inches of rain in the prior weeks, and caused rock and mudslides on canyon roads and street flooding, creating unsafe conditions for passage;

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 rain forecasted for the coming weeks, is likely to worsen 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) and increase further flooding and rock and mudslide risks;

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 17th day of January 2023.

CITY OF MALIBU, CALIFORNIA

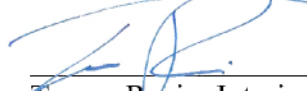
By: 
Steve McClary, City Manager
Director of Emergency Services

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 January 24, 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:


Trevor Rusin, Interim City Attorney

