



Council Agenda Report

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

Prepared by: Susan Duenas, Public Safety Manager

Approved by: Steve McClary, Interim City Manager

Date prepared: December 28, 2021 Meeting date: January 10, 2022

Subject: Termination of the State of a Local Emergency

RECOMMENDED ACTION: Adopt Resolution No. 22-02 terminating the state of local emergency declared as a result of the risk of fires associated with individuals living unhoused and otherwise engaged in unpermitted and unregulated camping.

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

WORK PLAN: This item was not included in the Adopted Work Plan for Fiscal Year 2021-2022.

DISCUSSION: On August 23, 2021, the City Council adopted Resolution No. 21-49 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 emergency declaration was made due to two primary factors:

- Malibu experienced seventeen fires attributed to unhoused individuals living in the City's hillsides and parks since the beginning of 2021.
- In August 2021, the live fuel moisture (LFM) was 57% in the Santa Monica Mountains. This was a historical low and far dryer than in August 2020 when it stood at 70% which is the historical average for this time of year. LFM is a key indicator of fire risk and an LFM of 60% or lower is considered critical.

With the potential for the most devastating fire season on record, it was critical for the City to move with urgency to reduce the risk of fire to protect the community. 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.

Government Code Section 8630 also requires that the governing body proclaim the termination of the local emergency at the earliest possible date that conditions warrant. Since October 1, 2021, the Santa Monica Mountains have received more than six inches of rain and the LFM has increased to approximately 90% according to data collected by the Los Angeles County Fire Department through December 24, 2021.

Since the fire risk conditions that prompted the emergency declaration have improved significantly, staff recommends adoption of Resolution No. 22-02 terminating the state of local emergency.

ATTACHMENTS: Resolution No. 22-02

RESOLUTION NO. 22-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU
TERMINATING THE STATE OF THE LOCAL EMERGENCY DECLARED DUE
TO 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. In August 2021, the live fuel moisture (LFM) in the Santa Monica Mountains was 57%, which was a historical low and far dryer than in August 2020 when it stood at 70%. In addition, the City had experienced seventeen fires since the beginning of 2021 that were attributed to unhoused individuals living in the City's hillsides and parks.

B. On August 23, 2021, the Council adopted Resolution No. 21-49 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.

C. The Council extended the existence of a local emergency until now through Resolution Nos. 21-56 and 21-63.

D. Since October 1, 2021, the Santa Monica Mountains has received more than six inches of rain increasing the LFM to approximately 90% and decreasing the fire risk significantly and the conditions of extreme peril.

SECTION 2. The City Council does hereby terminate the state of a local emergency.

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 10th day of January 2022.

PAUL GRISANTI, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

JOHN COTTI, Interim City Attorney