



Council Agenda Report

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

Prepared by: Susan Dueñas, Public Safety Director
Kelsey Pettijohn, City Clerk

Approved by: Steve McClary, City Manager

Date prepared: December 20, 2022 Meeting date: January 9, 2023

Subject: Termination of the State of a Local Emergency

RECOMMENDED ACTION: Adopt Resolution No. 23-01 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 2022-2023.

DISCUSSION: On September 27, 2022, the City Council adopted Resolution No. 22-42 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 emergency declaration was made due to two primary factors:

- Malibu experienced more than seventeen fires attributed to unhoused individuals living in the City's hillsides and parks since the beginning of 2021.
- In September 2022, the live fuel moisture (LFM) was 63% in the Santa Monica Mountains. LFM is a key indicator of fire risk and an LFM of 60% or lower is considered critical. However, in September, the likelihood of reaching this 60% critical level within a short period of time was very high and waiting until this critical LFM level was met would have reduced the time the City had to begin taking preventative actions

With the potential for a devastating fire season, 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. As of December 22, 2022 the LFM in the Santa Monica Mountains is 74% according to data collected by the Los Angeles County Fire Department.

Since the fire risk conditions that prompted the emergency declaration have improved significantly, staff recommends adoption of Resolution No. 23-01 terminating the state of local emergency.

ATTACHMENTS: Resolution No. 23-01

RESOLUTION NO. 23-01

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 September 2022, the live fuel moisture (LFM) was 63% in the Santa Monica Mountains. LFM is a key indicator of fire risk and an LFM of 60% or lower is considered critical and a LFM of 65% or lower indicates a likelihood of reaching this 60% critical level. Waiting until this critical LFM level was met would have reduced the time the City had to prepare and begin taking preventative actions. 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 September 27, 2022, the Council adopted Resolution No. 22-42 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.

C. The Council extended the existence of a local emergency until now through Resolution No. 22-45.

D. As of December 22, 2022 the LFM in the Santa Monica Mountains has increased to 74%, decreasing the fire risk and the conditions of extreme peril significantly.

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 9th day of January 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