



Council Agenda Report

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

Prepared by: Kelsey Pettijohn, City Clerk

Approved by: Steve McClary, City Manager

Date prepared: March 8, 2023 Meeting date: March 13, 2023

Subject: Resolution Extending the Declaration of a Local Emergency

RECOMMENDED ACTION: Adopt Resolution No. 23-13 extending the declaration of the existence of a local emergency.

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

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: 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.

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.

On January 23, 2023, the City Council adopted Resolution No. 23-04 ratifying the proclamation the existence of a local emergency.

Since January 23, 2023, the City continues to experience additional rainstorms that have further saturated the hillsides and increased the risk of mudslides. As of the date of this report, it is forecasted that the City will receive an additional half inch of rain on March 10, 2023 and over an inch of rain from the rainstorm forecasted for March 14-15, 2023. Due to the rain totals received within the last two months, the upcoming storms could cause more debris on the roadways and additional rockslides in the canyons. The City could also witness minor debris slides for several weeks following the rain events.

Government Code Section 8630 requires that the City Council review the need for continuing a local emergency at least once every 60 days until the City Council terminates the local emergency.

As such, City staff recommends adopting Resolution No. 23-13 extending the declaration of the existence of a 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. 23-13

RESOLUTION NO. 23-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU
EXTENDING THE DECLARATION OF THE EXISTENCE OF A LOCAL
EMERGENCY

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

SECTION 1. Recitals.

A. 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.

B. 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.

C. The Director of Emergency Services of the City proclaimed the existence of a local emergency on January 17, 2023.

D. On January 23, 2023, the City Council adopted Resolution No. 23-04 ratifying the proclamation of the existence of a local emergency.

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

F. 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

SECTION 2. The City Council has reviewed the staff report and conditions justifying the state of local emergency in the City and finds that the declaration of a local emergency remains valid and necessary due to the imminent threat of rain and mudslides. Such conditions result in extreme peril to the safety of persons and property located in the City.

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. 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