City Council Meeting
08-24-26
Item 1.B.6.

Council Agenda Report

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

Prepared by: Kelsey Pettijohn, City Clerk

Reviewed by: Kellan Martz, Assistant City Attorney

Approved by: Joseph D. Irvin, City Manager

Date prepared: August 19, 2026 Meeting date: August 24, 2026

Subject: Resolution Ratifying the Director of Emergency Services' Proclamation of Existence of a Local Emergency and Declaring the Same – Coastal Erosion

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RECOMMENDED ACTION: Adopt Resolution No. 26-60 confirming existence of a local emergency, and ratifying the proclamation of local emergency by the Director of Emergency Services as a result of ongoing erosion along the coast near Pacific Coast Highway in the area of the Palisades Fire burn scar, located in the City of Malibu.

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.

STRATEGIC PLAN IMPLEMENTATION: This item supports the City's 2025-2028 Strategic Plan Goal 3: Advance Infrastructure Resilience.

Goal 3: Advance Infrastructure Resilience
Objective 3.1: Develop and fund a comprehensive Infrastructure Resilience Plan.
Strategy: Coastal Resiliency Infrastructure

DISCUSSION: The City has adopted an emergency plan that includes an emergency services organization that is activated in the case of natural disasters. This organization allows the City to quickly respond and coordinate the functions of the City with other public agencies/organizations and those 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 proclamation must be ratified by the City Council within seven days or it will expire.

Per Malibu Municipal Code section 2.52.020 an emergency is defined as: "the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this city caused by such conditions as air pollution, fire, flood, storm, landslide, epidemic, riot, or earthquake, or other conditions, including conditions resulting from war or the imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or 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."

City staff has been monitoring erosion conditions along the coast near Pacific Coast Highway in the area of the Palisades Fire burn scar and has identified conditions extreme peril to the safety of persons and property.

On January 7, 2025, the Palisades Fire started in or around Pacific Palisades and was driven into City limits by a historic Santa Ana Wind event causing hurricane-strength winds in neighboring areas and the City.

The fire caused extensive damage to structures and shoreline protection devices that effectively protected the coastline from accelerated coastal erosion before the fire. 322 beachfront parcels with pre-existing primary structures, sea walls, and retaining walls were destroyed, leaving the coastline from Carbon Beach to Topanga Beach exposed without adequate shoreline protection structures. For the first time in decades, these stretches of beach in Malibu are exposed to direct coastal erosion. The Eastern Malibu coastline has some of the narrowest beaches, where wave action is now directly eroding the landforms that support Pacific Coast Highway, the city's primary thoroughfare to the greater Los Angeles area.

Coastal erosion has only accelerated since the fire. City staff conducted a site visit to document the environment along the eastern Malibu coastline and have confirmed the exacerbating dangerous conditions since the fire. 23 properties have been red tagged by the City's Building Official due to the accelerated erosion and dangerous conditions. The structures lost or compromised from the fire in these areas include failed retaining walls, failed or displaced shoreline protection devices, exposed utilities and septic systems, erosion of engineered and natural embankments. The loss and damage to these structures have led to a compromised Pacific Coast Highway.

Erosion is expected to accelerate further during the fall and winter seasons when an El Niño rainy season is forecasted. According to the NOAA Climate Prediction Center, the El Niño weather pattern is strengthening, with a greater than 90% chance of a very strong

(Super) event. A strengthening "super" El Niño brings a high risk of record sea levels, severe coastal flooding, and dramatic beach narrowing to the California coast this winter.

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 ongoing erosion.

ATTACHMENTS:

1. Resolution No. 26-60
2. Proclamation of Existence of a Local Emergency

RESOLUTION NO. 26-60

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. The City's Emergency Operations Plan identifies the Assistant City Manager as the first alternate in the line of succession to act as the Director of Emergency Services if the City Manager is unavailable.

B. On January 7, 2025, the Palisades Fire started in or around Pacific Palisades and was driven into City limits by a historic Santa Ana Wind event causing hurricane-strength winds in neighboring areas and the City. The strong Santa Ana Winds created difficulties mitigating the fire and impaired the ability of airborne fire-fighting. The fire combined with high winds and power outages created conditions of extreme peril to the safety of persons and property. The fire burned 23,448 acres and destroyed approximately 6,873 structures in and around the City of Malibu.

C. The fire caused extensive damage to structures and shoreline protection devices that effectively protected the coastline from accelerated coastal erosion before the fire. 322 beachfront parcels with pre-existing primary structures, sea walls, and retaining walls were destroyed, leaving the coastline from Carbon Beach to Topanga Beach exposed without adequate shoreline protection structures. For the first time in decades, these stretches of beach in Malibu are exposed to direct coastal erosion. The Eastern Malibu coastline has some of the narrowest beaches, where wave action is now directly eroding the landforms that support Pacific Coast Highway, the city's primary thoroughfare to the greater Los Angeles area.

D. Coastal erosion has only accelerated since the fire. City staff conducted a site visit to document the environment along the eastern Malibu coastline and have confirmed the exacerbating dangerous conditions since the fire. 23 properties have been red tagged by the City's Building Official due to the accelerated erosion and dangerous conditions. The structures lost or compromised from the fire in these areas include failed retaining walls, failed or displaced shoreline protection devices, exposed utilities and septic systems, erosion of engineered and natural embankments. The loss and damage to these structures have led to a compromised Pacific Coast Highway.

E. The Director of Emergency Services of the City proclaimed the existence of a local emergency on August 19, 2026, which proclamation will expire August 25, 2026 unless ratified by the City Council.

F. Erosion is expected to accelerate further during the fall and winter seasons when an El Niño rainy season is forecasted. According to the NOAA Climate Prediction Center, the El Niño weather pattern is strengthening, with a greater than 90% chance of a very strong (Super) event. A strengthening "super" El Niño brings a high risk of record sea levels, severe coastal flooding, and dramatic beach narrowing to the California coast this winter.

G. The Director of Emergency Services now requests the City Council ratify the Director's proclamation of the existence of a local emergency in accordance with Malibu Municipal Code Section 2.52.060

SECTION 2. 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 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. This Resolution shall become effective immediately upon its passage and adoption.

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 ____ 2026.

_____
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

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City of Malibu

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PROCLAMATION OF EXISTENCE OF 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

The Director of Emergency Services for the City of Malibu does hereby find, order and declare as follows:

WHEREAS, the California Emergency Services Act, Government Code section 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 (MMC) empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when said city is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS MMC section 2.52.020 defines an "emergency" as the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the City caused by such conditions as air pollution, fire, flood, storm, landslide, epidemic, riot, or earthquake, or other conditions, including conditions resulting from war or the imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or 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; and

WHEREAS, the following circumstances exist:

Conditions of extreme peril to the safety of persons and property have arisen as the result of ongoing erosion along the coast near Pacific Coast Highway in the area of the Palisades Fire burn scar, located in the City of Malibu. These conditions, both actual and threatened, result from the circumstances described in MMC 2.52.020 and explained more fully in this proclamation.

On January 7, 2025, the Palisades Fire started in or around Pacific Palisades and was driven into City limits by a historic Santa Ana Wind event causing hurricane-strength winds in neighboring areas and the City. The strong Santa Ana Winds created difficulties mitigating the fire and impaired the ability of airborne fire-fighting. The fire combined with high winds and power outages created conditions of extreme peril to the safety of persons and property. The fire

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burned 23,448 acres and destroyed approximately 6,873 structures in and around the City of Malibu.

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The City Council of the City of Malibu is not in session (and cannot immediately be called into session);

NOW, THEREFORE, THE ACTING DIRECTOR OF EMERGENCY SERVICES HEREBY does hereby find that a local emergency exists as discussed above and proclaims that a local state of emergency now exists throughout the City; 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 city and 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 October 14, 2024.

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ADOPTED this 19th day of August 2026.

By: Signed by: Joseph D. Irvin F849C5C36AED48F...
Joseph D. Irvin, City Manager
Director of Emergency Services

ATTEST:

Signed by: Kelsey Pettijohn BB0853E696394F4...
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 25, 2026 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:

Signed by: 3075AB2580324CF...
Kellan Martz, Assistant City Attorney