City Council Meeting
09-28-26
Item
1.B.14

Council Agenda Report

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

Prepared by: Kelsey Pettijohn, City Clerk

Approved by: Joseph D. Irvin, City Manager

Date prepared: September 18, 2026 Meeting date: September 28, 2026

Subject: Resolution Extending the Declaration of the Existence of a Local Emergency and Continuing a Program for Reducing the Risk of Fires Associated with Individuals Engaged in Unpermitted Camping

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RECOMMENDED ACTION: Adopt Resolution No. 26-67 extending the declaration of the existence of a local emergency and continuing a program for reducing the risk of fires associated with individuals engaged in unpermitted camping.

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

STRATEGIC PLAN IMPLEMENTATION: This item supports the City's 2025 Strategic Plan Goal 4. Improve Public Safety

Goal 4: Improve Public Safety
Objective 4.2: Increase Wildfire Resiliency
Project: Wildfire Mitigation: Reduce wildfire risk in wildland-urban interface

Goal 4: Improve Public Safety
Objective 4.3: Reduce Homeless Encampments
Strategies: Work with agency partners to remove encampments on public property and hillsides

DISCUSSION: 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. At the June 24, 2024, Regular City Council Meeting, the Council adopted Resolution 24-30, which established criteria for declaring the existence of a local emergency and initiating a program for reducing the risk of fires associated with individuals engaged in unpermitted camping in Very High Fire

Hazard Severity Zones (VHFHSZ), and establishing criteria for when to terminate the local emergency. The criteria for declaring the existence of a local emergency was set at a Live Fuel Moisture (LFM) of 65% or less, as determined by the Los Angeles County Fire Department Forestry Division for Santa Monica Mountains Chamise.

On August 6, 2026, the Los Angeles County Fire Department Forestry Division posted an LFM of 63% for Santa Monica Mountains Chamise. Therefore, the criteria for declaring an emergency has been met, and staff are prepared to implement the program for reducing the risk of fires associated with individuals engaged in unpermitted camping, which includes:

- Collaborating with the City's Homeless Outreach Team, Los Angeles County Sheriff's Department (LASD), and LASD-Homeless Outreach Services Team (HOST) to identify encampments within the areas designated as VHFHSZ, provide outreach, and offer available resources;
- Collaborating with the Outreach Team, LASD, and HOST to provide appropriate notification to those individuals living in hillside encampments of the potential threat to life and the prohibition in effect;
- Collaborating with the Outreach Team, LASD, and HOST to ensure that the VHFHSZ remains free of encampments while also ensuring these efforts do not criminalize individuals living unhoused; and,
- Collaborating with LASD Arson Watch during Red Flag events to watch for signs of smoke columns and fire and communicate early alert and notification of potential wildfire incidents as well as unpermitted activity in canyons and VHFHSZ areas.

Resolution 24-30 also sets minimum criteria for terminating the local emergency, which includes:

- When the City has received a minimum of 2" of recorded rainfall as determined by Los Angeles County Department of Public Works Season Total (October 1- May 1) for the Big Rock Mesa site; and
- The Live Fuel Moisture is 80% or greater as determined by the Los Angeles County Fire Department Forestry Division for Santa Monica Mountains Chamise; and
- There has been no Fire Weather Watch or Red Flag Warning in the previous two weeks; and
- When there is no Fire Weather Watch or Red Flag Warning in the extended forecast as determined by the National Weather Service (NWS) California Fire Weather Forecast for either the Malibu Coast or Santa Monica Mountains NRA.

On September 3,2026 , the Los Angeles County Fire Department Forestry Division posted an LFM of 60% for Santa Monica Mountains Chamise.

Government Code Section 8630 requires the City Council to review the need for continuing a local emergency at least once every 60 days until the City Council terminates the local emergency. As the minimum criteria for termination the local emergency established in Resolution No. 24-30 have not been met, Staff recommends that the Council adopt the attached Resolution extending the local emergency for fire risk conditions.

ATTACHMENTS: Resolution No. 26-67

RESOLUTION NO. 26-67

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU EXTENDING THE DECLARATION OF THE EXISTENCE OF A LOCAL EMERGENCY AND CONTINUING A PROGRAM FOR REDUCING THE RISK OF FIRES ASSOCIATED WITH INDIVIDUALS ENGAGED IN UNPERMITTED CAMPING

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

SECTION 1. Recitals.

A. Wildfires are a frequent disaster in California, causing significant harm and loss to individuals, communities, and wildlife. Malibu is among the areas devastated by wildfire - losing hundreds of homes and acres of vegetation and suffering hundreds of millions of dollars in damages in the 2025 Palisades Fire.

B. A vegetation fire in Malibu at any time of the year poses a danger to life and property. A vegetation fire during a Red Flag event poses extreme peril to the safety of persons and property within Malibu. Historically, the most devastating wildfires in Malibu have occurred between September and January when the wildland and chaparral are at their driest, the Santa Ana winds are most prevalent, and the humidity is at its lowest.

C. CAL Fire has identified three zones based on increasing fire hazard severity: medium, high, and very high. Considering various factors such as historical fire patterns, proximity to wildland and parkland, abundant chaparral, and severe drought, CAL FIRE has classified the entire area where the City of Malibu is situated as a Very High Fire Hazard Severity Zone (VHFHSZ).

D. Live fuel moisture (LFM) is a common indicator of fire risk and an LFM of 60% or lower is considered critical. Each year, local fire risk conditions have continually hit critical levels. As climate change extends and exacerbates our local fire season, the risk of harm or loss of life for individuals increases.

E. Individuals engaged in unpermitted camping in the VHFHSZ are at significant risk of loss of life due to being trapped by wildfires since they are not likely to receive traditional emergency alerts sent through cell phones. In addition, individuals who are attempting to leave the mountainous region during a wildfire could be trapped by fires that start from the ember cast that precedes the fire front in a wind-driven fire. This situation also increases the risk that emergency responders may have to divert resources from fighting the fire to assist these individuals.

F. Individuals engaged in unpermitted camping in the VHFHSZ may be reliant on fires for everyday activities, including cooking food and keeping warm. These activities increase the risk of nearby brush catching fire and rapidly spreading.

G. Malibu has experienced numerous vegetation fires linked to individuals engaged in unpermitted camping in areas designated as VHFHSZ and in 2021, Malibu experienced more than twenty-three fires attributed to this cause.

H. On June 24, 2024, the City Council adopted Resolution 24-30 which established criteria for declaring the existence of a local emergency and initiating a program for reducing the risk of fires associated with individuals engaged in unpermitted camping in VHFHSZ and establishing criteria for when to terminate the local emergency.

I. The criteria for declaring the existence of a local emergency were set at an LFM of 65% or less as determined by the Los Angeles County Fire Department Forestry Division for Santa Monica Mountains Chamise.

J. On September 3, 2026, the Los Angeles County Fire Department Forestry Division posted an LFM of 60% for Santa Monica Mountains Chamise.

SECTION 2. It is hereby proclaimed that:

1. The criteria for declaring the existence of a local emergency have been met. As such, the City Council finds that a declaration of local emergency remains valid and necessary, and will remain in effect until the extreme danger of wildfire subsides.

2. To prevent the occurrences of fire and loss of life and property, unpermitted camping is prohibited in areas designated as a VHFHZ in Malibu.

3. City staff is directed to act in collaboration with the Malibu Homeless Outreach Team, Los Angeles County Sheriff's Department (LASD), and the LASD Homeless Outreach Services Team (HOST) to implement a program for reducing the risk of fires associated with individuals who are engaged in unpermitted camping.

4. City staff is directed to work with LASD to remove all individuals engaged in unpermitted camping in any and all areas designated as VHFHZ in Malibu. If necessary to accomplish this object, such individuals should be arrested and prosecuted to the fullest extent permissible by law.

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 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 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 28th day of September 2026.

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BRUCE SILVERSTEIN, Mayor

ATTEST:

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KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:

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TREVOR RUSIN, Interim City Attorney