City Council Meeting
09-28-26
Item 7.C

Council Agenda Report

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

Prepared by: Jesse Mays, Assistant City Manager

Reviewed by: Trevor Rusin, Interim City Attorney

Approved by: Joseph D. Irvin, City Manager

Date prepared: September 17, 2026 Meeting date: September 28, 2026

Subject: Declaration of Local Emergencies Due to the Threat of Malibu Creek Flooding from the 2026-2027 El Niño Event

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RECOMMENDED ACTION: 1) Adopt Resolution No. 26-68 declaring the existence of a local emergency due to the threat of extreme weather conditions caused by the forecasted 2026-2027 El Niño event; or 2) Adopt Resolution No. 26-69 declaring the existence of a local emergency due to the threat to the Serra Retreat neighborhood of Malibu Creek flooding caused by extreme weather conditions caused by the 2026-2027 El Niño event; or 3) Provide direction to staff.

FISCAL IMPACT: There is no fiscal impact with the recommended action. The existence of the local emergency may help qualify the City for the possibility of reimbursement for disaster response expenditures should a Federal or State disaster be declared.

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: On September 14, 2026, the City Council directed staff to return with an item to consider proclaiming a local emergency due to the threat to the Serra Retreat neighborhood from Malibu Creek flooding caused by extreme weather conditions associated with the 2026-2027 El Niño event. Staff has prepared two resolutions for consideration because the City Council may choose to instead declare a broader

emergency regarding the threat to the entire city from El Niño in order to possibly avoid the need for future emergency declarations during the next several months.

The City has adopted an emergency plan that includes an emergency services structure that is activated in the event of natural disasters. This structure allows the City to respond quickly and coordinate City functions with other public agencies, organizations, and persons affected by the emergency. California Government Code section 8630 and Malibu Municipal Code Chapter 2.52 authorize the City Council to proclaim a local emergency when actual or threatened conditions of disaster or extreme peril exist within the City.

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.”

Forecasted 2026-2027 El Niño Event

On September 10, 2026, the National Weather Service Climate Prediction Center issued an advisory stating that El Niño is strengthening, with a greater than 90% chance of a very strong event during fall and winter 2026-2027 and a 75% chance of a historic event exceeding the strength of previous El Niño events dating back to 1950. Conditions of this type are historically associated with more frequent and intense rainstorms, flooding, mudslides, landslides, storm surges, coastal erosion, and coastal flooding. Although the precise impacts cannot yet be known, the forecast presents a substantial threat to persons, property, and critical infrastructure throughout Malibu.

El Niño conditions may affect multiple areas of Malibu, including the Palisades Fire burn area, Pacific Coast Highway, and beachfront properties. Heavy rainfall may destabilize burned slopes and increase the risk of flooding, mudslides, and debris flows, while Kelvin waves, high tides, and increased wave activity may worsen coastal erosion. At the August 10, 2026, City Council meeting, staff reported that inspections of 320 beachfront parcels resulted in 23 properties being red-tagged as unsafe. Extreme weather in 2026 has also caused additional coastal erosion and infrastructure damage, including impacts at Escondido Beach and Westward Beach Road.

Malibu Creek and Serra Retreat

Existing sediment and flow conditions in Malibu Creek create threatened conditions of extreme peril to the safety of persons and property in the Serra Retreat neighborhood. In the past, there has been flooding and undercutting along the east bank of the creek and

concern that a vegetated midstream island downstream of the Cross Creek Bridge may influence the direction of creek flows toward nearby homes.

Malibu has repeatedly experienced serious damage during strong El Niño and other major storm events. The heavy rains in February 2025 caused flooding and mudslides in the Serra Retreat neighborhood, blocked roadways with boulders, and required the Los Angeles County Fire Department to rescue three residents.

Representatives from the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California State Parks, California Department of Fish and Wildlife, the Regional Water Quality Control Board, and the City met with residents on January 29, 2026, to discuss these concerns. Residents addressed the City Council on September 15, 2026. Conditions remain under evaluation, and the full extent of the threat is not yet known.

The anticipated heavy rainfall may worsen the existing sediment and flow conditions, increasing the risk of flooding, creek bank erosion, mudslides, debris flows, property damage, and loss of access. These hazards can develop rapidly and may leave little or no time for a proper response. Proclaiming the emergency in advance will allow the City to mobilize resources and coordinate with partner agencies as quickly as conditions develop. Early action may prevent or reduce peril to the safety of persons and property.

Effect of the Declarations

If the City Council elects to proclaim the state of emergencies, the declarations are preventive measures based on threatened conditions of extreme peril. They will provide the City greater flexibility to respond without delay, coordinate with other governmental agencies, and obtain resources needed to prepare for, mitigate, and respond to emergency conditions.

If adopted, the City Director of Emergency Services, would be authorized to address any and all impacts and conditions caused by the emergency and to obtain any and all aid and assistance from local, county, state, or federal agencies, including but not limited to aid and assistance pursuant to the California Disaster Assistance Act, California Government Code Section 8690. Each local emergency will remain in effect until terminated by the City Council. As required by law, the City Council will review the need to continue each emergency at least every 60 days.

ATTACHMENTS:

1) Resolution No. 26-68
2) Resolution No. 26-69

RESOLUTION NO. 26-68

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU DECLARING THE EXISTENCE OF A LOCAL EMERGENCY DUE TO THE THREAT OF EXTREME WEATHER CONDITIONS CAUSED BY THE FORECASTED 2026-2027 EL NIÑO EVENT

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

SECTION 1. Recitals.

A. Condition or threatened conditions of extreme peril to the safety of persons and property have arisen within the City of Malibu due to the forecasted 2026-2027 El Niño weather event. Recent extreme weather events and existing conditions have left portions of the City vulnerable to flooding, mudslides, landslides, coastal erosion, damaged infrastructure, and other hazards that are likely to be worsened by the anticipated El Niño weather; and

B. On September 10, 2026, the National Weather Service Climate Prediction Center (NWSCPC) issued an advisory that El Niño is strengthening, with a greater than 90% chance of a very strong event during the Northern Hemisphere fall and winter 2026-2027. The advisory states that there is a 75% chance of a historic event that would exceed the strength of previous El Niño events dating back to 1950. NWSCPC states that with an event of this magnitude, the chances of experiencing impacts consistent with El Niño are larger, though not guaranteed. The NWSCPC seasonal outlook has raised the probability of above-normal precipitation to above 50% across much of coastal California. These conditions are historically associated with more frequent and intense rainstorms, mudslides, landslides, flooding, Kelvin waves raising coastal sea levels, storm surges, coastal erosion and coastal flooding.

C. Extreme weather conditions caused by El Niño have historically resulted in conditions of disaster or of extreme peril to the safety of persons and property. Heavy rains in February of 2025 caused flooding and mudslides in the Serra Retreat neighborhood. Boulders blocked roadways, making them impassible. Los Angeles County Fire Department recused three residents, including one who was trapped due to a mudslide. A strong El Niño in the winter of 2023-2024 caused bluff erosion and coastal erosion in western Malibu. A very strong El Niño in the winter of 2015-2016 required the reinforcement of the Broad Beach Geologic Hazard Abatement District revetment. Extreme weather created by El Niño in the winters of 2004-2005 and 1997-1998 caused landslides. El Niño weather conditions in January of 1995 resulted in mudslides that destroyed homes and blocked Pacific Coast Highway in Malibu. A strong El Niño in the winter of 1987-1988 caused widespread damage in Malibu including damage from 20 to 25-foot waves. A very strong El Niño in the winter of 1982-1983 resulted in storms that flooded creeks in Malibu, severely damaged both Paradise Cove Pier and Malibu Pier, and damaged more than one hundred Malibu homes. Rainstorms in 1980 caused mudslides in Malibu, and in February and March of 1978, heavy storms damaged 30 homes along beaches in Malibu.

D. Extreme weather events this year have already damaged and weakened infrastructure in Malibu. There has been at least one powerful South Pacific Swell event in mid to late June 2026 and three significant Hurricanes from July through early September 2026 that impacted the Malibu coastline. The South Pacific Swell event in June caused mild coastal erosion along Malibu's beaches and was responsible for undermining one aging and compromised seawall on Escondido Beach. Impacts from Hurricane Genevieve, which occurred in Malibu from July 25 to July 30, caused further erosion along the coast, including eight feet of erosion and a partial failure of a road embankment at Westward Beach Road. It also resulted in a complete wall failure at the site of previous damage on Escondido Beach.

E. Recently, on September 8, 2026, due to costal erosion a sinkhole emerged at 31630 Sea Level Drive. Seven nearby residences were red-tagged due to hazardous conditions resulting from the sinkhole, and an additional 24 residences were red-tagged due to the loss of safe vehicular access. These circumstances significantly impaired access to affected properties and created conditions requiring immediate emergency response due to conditions extreme peril to safety of people and property.

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F. The condition of Malibu Creek adjacent to the Serra Retreat neighborhood, exacerbated by the imminent threat of El Niño storm conditions, are likely to necessitate the immediate procurement of equipment, materials, services, and construction work to protect life and property, including without limitation emergency creek bank protection, debris removal, structural and geotechnical assessment, and the repair or replacement of damaged public facilities; and the delay attendant to ordinary competitive solicitation, purchasing, and contracting procedures would imperil public health, safety and property.

G. 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 of Malibu. Additionally, California Government Code Section 8634 empowers the City Council to promulgate orders and regulations necessary to provide for the protection of life and property during the time of a Local Emergency.

SECTION 2. It is hereby proclaimed that:

A. The above recitals are true and correct.

B. The City's experience with El Niño events have demonstrated that prolonged and intense rainfall can significantly exacerbate these existing vulnerabilities, resulting in widespread damage, dangerous conditions, and extreme peril to the safety of persons and property within the City, and forecasts indicate that the anticipated El

Niño conditions may produce similar impacts, thereby posing a substantial threat to the community and its critical infrastructure.

C. El Niño conditions may affect multiple areas of Malibu, including the Palisades Fire burn area, Pacific Coast Highway, and beachfront properties. Heavy rainfall may destabilize burned slopes and increase the risk of flooding, mudslides, and debris flows, while Kelvin waves, high tides, and increased wave activity may worsen coastal erosion. At the August 10, 2026, City Council meeting, staff reported that inspections of 320 beachfront parcels resulted in 23 properties being red-tagged as unsafe. Extreme weather in 2026 has also caused additional coastal erosion and infrastructure damage, including impacts at Escondido Beach and Westward Beach Road.

D. The conditions of disaster and extreme peril warrant and necessitate the proclamation of the existence of a local emergency.

E. The City Director of Emergency Services, or designee, is directed and authorized to address any and all impacts and conditions caused by the emergency and to obtain any and all aid and assistance from local, county, state, or federal agencies, including but not limited to aid and assistance pursuant to the California Disaster Assistance Act, California Government Code Section 8690.

F. The City Manager, as the Purchasing Officer of the City pursuant to Malibu Municipal Code Section 2.56.040 (B) is authorized to make purchases of supplies or services exceeding sixty thousand dollars ($60,000.00) in compliance with Malibu Municipal Code, Chapter 2.56.

SECTION 3. 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 4. 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 5. This Resolution shall become effective immediately upon its passage and adoption.

SECTION 6. 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:

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
(seal)

RESOLUTION NO. 26-69

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU DECLARING THE EXISTENCE OF A LOCAL EMERGENCY DUE TO THE THREAT OF MALIBU CREEK FLOODING, INCLUDING FROM EXTREME WEATHER CONDITIONS CAUSED BY THE 2026-2027 EL NIÑO EVENT

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

SECTION 1. Recitals.

A. Condition or threatened conditions of extreme peril to the safety of persons and property have arisen within the Serra Retreat neighborhood due to existing sediment and flow conditions in Malibu Creek and the forecasted 2026-2027 El Niño weather event. These conditions, combined with the neighborhood's history of flooding, bank erosion, mudslides, and debris flows, are likely to be worsened by anticipated heavy rainfall and may threaten homes, roadways, and other property.

B. On September 10, 2026, the National Weather Service Climate Prediction Center (NWSCPC) issued an advisory that El Niño is strengthening, with a greater than 90% chance of a very strong event during the Northern Hemisphere fall and winter 2026-2027. The advisory states that there is a 75% chance of a historic event that would exceed the strength of previous El Niño events dating back to 1950. NWSCPC states that with an event of this magnitude, the chances of experiencing impacts consistent with El Niño are larger, though not guaranteed. The NWSCPC seasonal outlook has raised the probability of above-normal precipitation to above 50% across much of coastal California. These conditions are historically associated with more frequent and intense rainstorms, mudslides, landslides, flooding, Kelvin waves raising coastal sea levels, storm surges, coastal erosion and coastal flooding.

C. Extreme weather conditions caused by El Niño have historically resulted in conditions of disaster or of extreme peril to the safety of persons and property. A strong El Niño in the winter of 2023-2024 caused bluff erosion and coastal erosion in western Malibu. A very strong El Niño in the winter of 2015-2016 required the reinforcement of the Broad Beach Geologic Hazard Abatement District revetment. Extreme weather created by El Niño in the winters of 2004-2005 and 1997-1998 caused landslides. El Niño weather conditions in January of 1995 resulted in mudslides that destroyed homes and blocked the Pacific Coast Highway in Malibu. A strong El Niño in the winter of 1987-1988 caused widespread damage in Malibu including damage from 20 to 25-foot waves. A very strong El Niño in the winter of 1982-1983 resulted in storms that flooded creeks in Malibu, severely damaged both Paradise Cove Pier and Malibu Pier, and damaged more than one hundred Malibu homes. Rainstorms in 1980 caused mudslides in Malibu, and in February and March of 1978, heavy storms damaged 30 homes along beaches in Malibu.

D. Extreme weather events this year have already damaged and weakened infrastructure in Malibu. There has been at least one powerful South Pacific Swell event in mid to late June 2026 and three significant Hurricanes from July through early September 2026 that impacted the Malibu coastline. The South Pacific Swell

event in June caused mild coastal erosion along Malibu's beaches and was responsible for undermining one aging and compromised seawall on Escondido Beach. Impacts from Hurricane Genevieve, which occurred in Malibu from July 25 to July 30, caused further erosion along the coast, including eight feet of erosion and a partial failure of a road embankment at Westward Beach Road. It also resulted in a complete wall failure at the site of previous damage on Escondido Beach.

E. On January 29, 2026, residents of the Serra Retreat neighborhood held a virtual meeting with representatives from the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California State Parks, California Department of Fish and Wildlife, the Regional Water Quality Control Board, and the City of Malibu. Residents shared community concerns related to sediment and flow conditions in Malibu Creek south of the Cross Creek Bridge. Homeowners have experienced past flooding and bank undercutting along the east bank of Malibu Creek and were concerned that a vegetated midstream island located downstream of the Cross Creek Bridge may be influencing flow direction resulting in the threat of flooding to their homes.

F. On September 15, 2026, multiple residents of the Serra Retreat neighborhood spoke at a public City Council meeting, notifying the City Council of their concern about the threat of flooding to their homes due to the condition of Malibu Creek and impending El Niño conditions. Staff continues to evaluate this pressing issue and believes there is the potential for flooding in the described area. This belief is based on many factors, including, but not limited to the projected El Niño conditions and the severity of this weather event, along with the history of flooding in the described area.

G. Heavy rains in February of 2025 caused extreme peril to the safety of persons and property Serra Retreat neighborhood. The heavy rains caused major flooding and mudslides. Boulders blocked roadways, making them impassible. Los Angeles County Fire Department recused three residents, including one who was trapped due to a mudslide.

H. The condition of Malibu Creek adjacent to the Serra Retreat neighborhood, exacerbated by the imminent threat of El Niño storm conditions, are likely to necessitate the immediate procurement of equipment, materials, services, and construction work to protect life and property, including without limitation emergency creek bank protection, debris removal, structural and geotechnical assessment, and the repair or replacement of damaged public facilities; and the delay attendant to ordinary competitive solicitation, purchasing, and contracting procedures would imperil public health, safety and property.

I. 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. Additionally, California Government Code Section 8634 empowers the City Council to promulgate orders and regulations necessary to provide for the protection of life and property during the time of a Local Emergency.

SECTION 2. It is hereby proclaimed that:

A. The above recitals are true and correct.

B. The City's experience with El Niño events has demonstrated that prolonged and intense rainfall can significantly exacerbate existing vulnerabilities, including sediment and flow conditions in Malibu Creek adjacent to the Serra Retreat neighborhood, resulting in flooding, bank erosion, mudslides, debris flows, and other dangerous conditions. Forecasts indicate that the anticipated El Niño conditions may produce similar impacts, thereby posing a substantial threat to the safety of persons and property within the Serra Retreat neighborhood and surrounding areas.

C. The conditions of disaster and extreme peril warrant and necessitate the proclamation of the existence of a local emergency.

D. The City Director of Emergency Services, or designee, is directed and authorized to address any and all impacts and conditions caused by the emergency and to obtain any and all aid and assistance from local, county, state, or federal agencies, including but not limited to aid and assistance pursuant to the California Disaster Assistance Act, California Government Code Section 8690.

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SECTION 5. This Resolution shall become effective immediately upon its passage and adoption.

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BRUCE SILVERSTEIN, Mayor

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