



CITY OF LAGUNA NIGUEL CITY COUNCIL AGENDA ITEM

To: Honorable Mayor and Council Members
FROM: Tamara S. Letourneau, City Manager/Director of Emergency Services
DATE: July 19, 2022
SUBJECT: Adoption of Resolution No. 2022-1402, Reaffirming and Extending the Existing Proclamation of Local Emergency as a Result of the Coastal Fire

RECOMMENDATION

Staff recommends that the City Council adopt Resolution No. 2022-1402, reaffirming and extending the proclamation of local emergency as a result of the Coastal Fire.

BACKGROUND

The Coastal Fire started in the Aliso and Wood Canyons Wilderness Park at approximately 2:45 pm on May 11, 2022. Unfortunately, strong winds shifted the wildfire toward the Coronado Pointe neighborhood in the City of Laguna Niguel. Fueled by thick brush, strong wind, and steep topography, the fire prompted a mandatory evacuation of 900 homes within several hours. The Orange County Fire Authority along with multiple partner agencies began to protect life and structure within the threatened areas with ground and air support while the Orange County Sheriff's Department led the evacuation. Throughout the incident, a total of thirty-two (32) structures were impacted, with twenty (20) residential structures destroyed or rendered uninhabitable, and twelve (12) additional residential structures with varying degrees of damage. No lives were lost in the City of Laguna Niguel as a result of the fire. During the following days, resources remained on scene to aggressively attain 100% containment which was accomplished on May 17, 2022. In total 200 acres were burned.

The City has now shifted from a response stage to a recovery stage. The recovery stage entails working very closely with each of the respective homeowners that lost their homes, as well as with the associated Homeowners Association, and its President, to provide unified communication, assistance and resources. The recovery stage also includes the potential recovery of funds spent by the City to respond to the Coastal Fire.

ANALYSIS

A local emergency proclamation is a prerequisite for requesting a Governor's proclamation of a State of Emergency and/or a Presidential Declaration of an Emergency

or Major Disaster, as well as applying for State and Federal financial recovery assistance, where applicable. It also authorizes the undertaking of extraordinary public safety powers, provides broader legal immunity for emergency actions of the local agency and its governing body, and authorizes the issuance of orders and regulations to protect life and property.

Section 11-15-6 of Division 15 of Title 11 of the Laguna Niguel Municipal Code empowers the Director of Emergency Services to proclaim the existence of a local emergency when the City is affected or threatened by a public calamity and the City Council is not in session. On May 11, 2022, the City Manager, acting as the Director of Emergency Services, signed a local emergency proclamation (Attachment A). The proclamation found that conditions of extreme peril to the safety of residents and property in the City were imminent. On May 17, 2022, the City Council adopted a resolution (Resolution No. 2022-1388) ratifying the proclamation of a local emergency (Attachment B).

Pursuant to Government Code Section 8630 (California Emergency Services Act), and Resolution No. 2022-1388, the City Council is required to review the local emergency within sixty (60) days of ratification to determine whether the conditions surrounding the local emergency still exist. Because of the remaining cleanup to residential properties and surrounding areas, rebuilding operations, and being coupled with the pending Fire Management Assistance Grant (FMAG) Program reimbursement claim, the conditions of the local emergency still exist. A proposed resolution, Resolution No. 2022-2402, extends the local emergency (Attachment C).

The health, safety, and well-being of persons within the territorial limits of the City of Laguna Niguel is of the highest priority. It is important to keep the existing proclamation and the powers that flow from it in place until the emergency conditions are fully abated, which includes the recovery stage as well. The recommended action supports City Council Goal 1 (Public Safety) of the Strategic Plan.

ALTERNATIVES CONSIDERED

The City Council may choose not to adopt Resolution No. 2022-1402, thus ending the existence of a local emergency. Staff does not recommend this action as the initial phase of the recovery stage is still underway. In addition, the City's FMAG reimbursement application is still pending, as is the Governor's authority to declare a State of Emergency related to the Coastal Fire, which may open additional funding sources for reimbursement both for the impacted residents and the City.

FISCAL REVIEW

The issuance of a local emergency proclamation allows the City to pursue State and Federal grant assistance to recover the City's portion of the costs associated with the Coastal Fire. At this time, the total fiscal impact to the City is projected to be approximately \$100,000. The City has completed and submitted a Fire Management Assistance Grant (FMAG) Program application to seek reimbursement for these costs. A response to the

FMAG application is pending.

LEGAL REVIEW

The City Attorney's Office has approved Resolution No. 2022-1402 as to form.

CONCLUSION

Staff recommends that the City Council Adopt Resolution No. 2022-1402, Extending the Existing Proclamation of Local Emergency as a Result of the Coastal Fire.



Tamara S. Letourneau
City Manager



Justin J. Martin
Deputy City Manager



Kevin G. Ennis
City Attorney

Attachments:

- A. Proclamation of the Existence of a Local Emergency
- B. Resolution No. 2022-1388
- C. Resolution Non 2022-2402

ATTACHMENT A

Proclamation of the Existence of a Local Emergency

PROCLAMATION DECLARING THE EXISTENCE OF A LOCAL EMERGENCY UNDER GOVERNMENT CODE SECTION 8630 AND DIVISION 15 OF TITLE 11 OF THE LAGUNA NIGUEL MUNICIPAL CODE BY THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF LAGUNA NIGUEL IN CONNECTION WITH THE COASTAL FIRE

WHEREAS, Section 11-15-5 (A) of the Laguna Niguel Municipal; Code designates the City Manager as the City's Director of Emergency Services; and

WHEREAS, Section 11-15-6 (A)(1) of the Laguna Niguel Municipal Code authorizes the Director of Emergency Services, if the City Council is not in session, to proclaim the existence or threatened assistance of a local emergency; and

WHEREAS, on the 11th day of May, 2022, the Director of Emergency Services of the City of Laguna Niguel found that due to existence of a fire in the City, known initially as the Coastal Fire, that conditions of extreme peril to life and property exist within said City; and

WHEREAS, the City of Laguna Niguel's ability to mobilize local resources, coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and seek future reimbursement by the State and Federal government will be critical to successfully respond to the Coastal Fire; and

WHEREAS, the safety, health, and well-being of persons within the territorial limits of the City of Laguna Niguel is of the highest priority; and

WHEREAS, the Director of Emergency Services believes and has concluded that the current conditions of extreme peril warrant a proclamation of local emergency; and

NOW, THEREFORE, pursuant to Section 11-15-6 (A)(1) of the Laguna Niguel Municipal Code, it is hereby proclaimed that a local emergency now exists in the City of Laguna Niguel on account of the Coastal Fire.

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of this local emergency the powers, functions, and duties of the emergency organization of the City of Laguna Niguel, as defined in the Laguna Niguel Municipal Code Section 11-15-7, shall be those prescribed by state law, the Laguna Niguel Municipal Code, including Division 11-15, by other applicable ordinances, resolution and approved emergency plans of the City of Laguna Niguel. The City Council shall take action to ratify this proclamation within seven days, or a local emergency shall not remain in effect; and

IT IS FURTHER ORDERED, that all City Departments shall track costs for staffing, supplies, and equipment related to the Coastal Fire and forward that information to the City's Director of Emergency Services; and

IT IS FURTHER ORDERED, that a copy of this Proclamation shall be forwarded to the State Office of Emergency Services and to such other government agencies and officials as the City's Director of Emergency Services deems prudent or necessary.

Dated: May 11, 2022

Tamara S. Letourneau

Tamara S. Letourneau
City Manager/Director of Emergency Services

Attest:

Justin J. Martin

Justin J. Martin
Deputy City Manager

ATTACHMENT B

Resolution No. 2022-1388

RESOLUTION NO. 2022-1388

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA NIGUEL
RATIFYING THE DIRECTOR OF EMERGENCY SERVICES' PROCLAMATION OF THE
EXISTENCE OF LOCAL EMERGENCY DUE TO THE COASTAL FIRE UNDER
GOVERNMENT CODE SECTION 8630 AND DIVISION 15 OF TITLE 11 OF THE
LAGUNA NIGUEL MUNICIPAL CODE ("EMERGENCY PREPAREDNESS")**

WHEREAS, Government Code Section 8630 authorizes the City Council, or an official designated by ordinance of the City Council, to proclaim the existence of a local emergency; and

WHEREAS, Laguna Niguel Municipal Code Section 11-15-5 (a), adopted as Ordinance 94-75, designates the City Manager as the Director of Emergency Services for the City of Laguna Niguel; and

WHEREAS, pursuant to Laguna Niguel Municipal Code Section 11-15-6 (a)(1), the Director of Emergency Services is specifically empowered to proclaim the existence or threatened existence of a local emergency, as defined in Government Code Section 8558(c), if the City Council is not in session, subject to ratification by the City Council within seven days thereafter; and

WHEREAS, the Director of Emergency Services did proclaim the existence of a local emergency within the City of Laguna Niguel on the 11th day of May, 2022 due to the existence of, and threats posed to the City by, the Coastal Fire; and

WHEREAS, the City Council was not in session and could not immediately be called into session on the date that the Director of Emergency Services made her proclamation; and

WHEREAS, Government Code Section 8558(c) defines a local emergency, in relevant part, as "the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by conditions such air pollution, fire or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat"; and

WHEREAS, the safety, health, and well-being of persons within the territorial limits of the City of Laguna Niguel is of the highest priority; and

WHEREAS, the mobilization of local resources, ability to coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and allow for future reimbursement by the state and federal government will be critical to successfully responding to the Coastal Fire; and


WHEREAS, the City Council does hereby find that the above described conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency by the Director of Emergency Services.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Laguna Niguel, that the Proclamation of the Existence of a Local Emergency by the Director of Emergency Services of the City of Laguna Niguel due to the Coastal Fire under Government Code Section 8630 and Chapter 11-15 of the Laguna Niguel Municipal Code ("Emergency Preparedness"), as issued on May 11, 2022, is hereby ratified and confirmed.

IT IS FURTHER RESOLVED AND ORDERED that within the next sixty (60) days, a report on the most recent conditions of emergency and disaster be presented to this City Council so that this City Council may determine whether conditions of emergency and disaster still exist; and

IT IS FURTHER RESOLVED AND ORDERED that the local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council.

PASSED AND ADOPTED this 17th day of May, 2022.


Elaine Gennawey, Mayor

ATTEST:



Thy Merritt, Deputy City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF ORANGE)ss
CITY OF LAGUNA NIGUEL)

I, Thy M. Merritt, Deputy City Clerk of the City of Laguna Niguel, California, do hereby certify that the foregoing is Resolution No. 2022-1388, which was adopted at a regular meeting of the City Council of the City of Laguna Niguel, California, held on May 17, 2022, by the following vote:

AYES: Council Members Jennings, Minagar, and Sharma; Mayor Pro Tem Rains, and Mayor Gennawey.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.



Thy M. Merritt
Deputy City Clerk

ATTACHMENT C

Resolution No. 2022-1402

RESOLUTION NO. 2022-1402

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF LAGUNA NIGUEL
REAFFIRMING AND EXTENDING A PROCLAMATION OF LOCAL EMERGENCY AS
A RESULT OF THE COASTAL FIRE**

WHEREAS, Conditions of extreme peril to the safety of persons and property arose within the City of Laguna Niguel, caused by the Coastal Fire which began on May 11, 2022; and

WHEREAS, Multiple residential properties were destroyed by fire rendering them uninhabitable, with extensive damage to hillside slopes directly adjacent to residential neighborhood; and

WHEREAS, Section 11-15-6 of Division 15 of Title 11 of the Laguna Niguel Municipal Code empowers the City Manager/Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity and the City Council is not in session, subject to ratification by the City Council within seven days; and

WHEREAS, The City Manager/Director of Emergency Services duly and responsibly proclaimed the existence of a local emergency on May 11, 2022; and

WHEREAS, The City Council on May 17, 2022, adopted Resolution No. 2022-1388 ratifying the proclamation of the local emergency by the City Manager/Director of Emergency Services; and

WHEREAS, Government Code Section 8630 and Resolution No. 2022-1388 provide that the City Council is required to review the local emergency within sixty (60) days of ratification to determine whether the conditions surrounding the local emergency still exist.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, the local emergency is hereby reviewed, and the declaration of a local emergency remains valid and necessary due to the ongoing cleanup to residential properties and surrounding areas, rebuilding operations, and being coupled with the pending Fire Management Assistance Grant (FMAG) Program reimbursement claim.

IT IS FURTHER RESOLVED AND ORDERED that the local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council.

PASSED, APPROVED, AND ADOPTED this 19th day of July, 2022.

Elaine Gennawey, Mayor

ATTEST:

Marissa Asistin, City Clerk