




CITY OF RANCHO SANTA MARGARITA CITY COUNCIL STAFF REPORT

DATE: September 11, 2024

TO: City Council of the City of Rancho Santa Margarita

FROM: Jennifer M. Cervantez, City Manager

BY: Gregory E. Simonian, City Attorney 

SUBJECT: Consideration of Resolution Ratifying the Existence of a Local Emergency Related to the Airport Fire

Recommendation

Adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
RANCHO SANTA MARGARITA, CALIFORNIA, RATIFYING
THE EXISTENCE OF A LOCAL EMERGENCY

Discussion

On Monday, September 9, 2024, at approximately 1:30 p.m. hours, a wildfire erupted in Trabuco Canyon immediately adjacent to Rancho Santa Margarita jurisdictional boundaries (the "Airport Fire"). The Airport Fire grew from an initial seven acres to over 9,000 acres in less than 24 hours, endangering nearby Rancho Santa Margarita neighborhoods, resulting in mandatory and voluntary evacuations of over 3,200 residences.

The City of Rancho Santa Margarita is a significantly populated city located within Orange County, which is the sixth largest county in the United States. Moreover, the City is designated by Cal Fire as having Very High Fire Hazard Severity Zones, making the City highly susceptible to the dangers of the Airport Fire.

On September 9, 2024, at approximately 2:30 p.m., the City activated its Emergency Operations Center, initiating response coordination between the City, the Orange County Fire Authority, the Orange County Sheriff's Department and other local and state agencies.

On September 10, 2024 at 1:47 p.m., the City Manager, acting as the Director of Emergency Services, proclaimed a local emergency in order for the City to promptly address, prepare for, and take actions necessary to protect public health, safety, and welfare within the City in response to the Airport Fire. The proclamation ensures the continuity of public services and the City's ability to keep the community safe.

Pursuant to the California Emergency Services Act and the City's local implementing ordinance, declaring a local emergency when a crisis situation exists provides emergency powers and authorities to the City and provides some additional liability protections for the City. In many cases, this local declaration is also the first step in seeking funding for reimbursement and other financial assistance.

Government Code section 8630 requires that a proclamation of a local emergency that is made by the City Manager, rather than by the City Council, must be ratified by the City Council within **seven (7) days**. The proclamation was executed by the City Manager, acting as the Director of Emergency Services, on September 10, 2024. Unless the City Council adopts a Resolution ratifying the existence of a local emergency by September 17, 2024, the local emergency will terminate. Because proclaiming a local emergency provides extraordinary powers to the City, if ratified by the City Council, the City Council must review the need for continuing the local emergency at least once every **sixty (60) days** thereafter.

Conditions still exist within the City which constitute an emergency and the need exists to continue with the authorities granted. It is requested that the City Council ratify the existence of a local emergency at this time. In addition, the City Clerk is directed to schedule a review of the need for continuing or terminating the local emergency at least every 60 days hereafter until terminated.

Attachments

- A. Proposed Resolution Ratifying the Existence of a Local Emergency
- B. Proclamation No. 24-09-10-01 Declaring the Existence of a Local Emergency

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
RANCHO SANTA MARGARITA, CALIFORNIA, RATIFYING
THE EXISTENCE OF A LOCAL EMERGENCY

WHEREAS, Rancho Santa Margarita Municipal Code Section 6.05.060 empowers the City Manager, acting as the Director of Disaster 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; and,

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within the City, caused by the Airport Fire, which began on Monday, September 9, 2024, at approximately 1:30 p.m. in Trabuco Canyon immediately adjacent to Rancho Santa Margarita jurisdictional boundaries; and,

WHEREAS, the Airport Fire grew from an initial seven acres to over 9,000 acres in less than 24 hours, endangering nearby Rancho Santa Margarita neighborhoods, resulting in mandatory and voluntary evacuations of over 3,200 residences; and,

WHEREAS, on September 9, 2024, at approximately 2:30 p.m., the City activated its Emergency Operations Center, initiating response coordination between the City, the Orange County Fire Authority, the Orange County Sheriff's Department and other local and state agencies; and,

WHEREAS, the City Manager, acting as the Director of Disaster Services, did proclaim the existence of a local emergency within the City on the 10th day of September, 2024, at 1:47 p.m.; and,

WHEREAS, the City Council does hereby find that the aforementioned conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency.

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED, by the City Council of the City of Rancho Santa Margarita, that the Proclamation Declaring the Existence of a Local Emergency, as issued by the Director of Emergency Services, is hereby ratified.

BE IT FUTHER RESOLVED that said Local Emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council, of the City of Rancho Santa Margarita, State of California.

PASSED AND ADOPTED this 11th day of September, 2024.

Carol A Gamble, Mayor

ATTEST:

Amy Diaz, City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF RANCHO SANTA MARGARITA)

I, AMY DIAZ, City Clerk of the City of Rancho Santa Margarita, California, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. _____ adopted by the City Council of the City of Rancho Santa Margarita, California, at a regular meeting thereof, held this 11th day of September 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Amy Diaz, City Clerk

PROCLAMATION NO. 24-09-10-01

**A PROCLAMATION OF THE DIRECTOR OF EMERGENCY
SERVICES OF THE CITY OF RANCHO SANTA
MARGARITA, CALIFORNIA, DECLARING THE
EXISTENCE OF A LOCAL EMERGENCY**

WHEREAS, Rancho Santa Margarita Municipal Code Section 6.05.060 empowers the City Council (while in session), or the Director of Emergency Services (if the City Council is not in session), to declare the existence or threatened existence of a local emergency; and

WHEREAS, California Government Code Section 8550 *et seq.*, including Section 8558(c), authorizes the Director of Emergency Services to proclaim a local emergency when the City is threatened by conditions of disaster or extreme peril to the safety of persons and property within the City that are likely to be beyond the control of the services, personnel, equipment, and facilities of the City; and

WHEREAS, on Monday, September 9, 2024, at approximately 1:30 p.m. hours, a wildfire erupted immediately adjacent to Rancho Santa Margarita jurisdictional boundaries (the "Airport Fire"); and

WHEREAS, the Airport Fire grew from an initial seven acres to over 9,000 acres in less than 24 hours, endangering nearby Rancho Santa Margarita neighborhoods, resulting in mandatory and voluntary evacuations of over 3,200 residences; and

WHEREAS, on September 9, 2024, at approximately 2:30 p.m., the City activated its Emergency Operations Center, initiating response coordination between the City, the Orange County Fire Authority, the Orange County Sheriff's Department and other local and state agencies; and

WHEREAS, as of the execution of this Proclamation, the Airport Fire has not been contained; and

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

WHEREAS, the Director of Emergency Services has the authority to declare a local emergency as authorized by California Government Code Section 8630 and Rancho Santa Margarita Municipal Code Section 6.05.060.

**NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED BY THE
DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF RANCHO SANTA
MARGARITA AS FOLLOWS:**

Section 1. As contemplated in the Emergency Services Act contained in California Government Code Section 8550 *et seq.*, including Section 8558(c), and Chapter 6.05 of Title 6 of the Rancho Santa Margarita Municipal Code, a local emergency exists based on the existence of conditions of disaster or of extreme peril to the safety of persons and property caused by a wildfire, as detailed in the recitals set forth above.

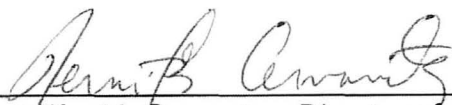
Section 2. The area of the City of Rancho Santa Margarita which is endangered/imperiled is the entire City.

Section 3. During the existence of this local emergency, the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law and by ordinances, resolutions, and orders of this City, including but not limited to the City's Emergency Operations Plan.

Section 4. The City Council shall review and ratify this proclamation of the Director of Emergency Services within **seven (7) days** as required by state law, and if ratified, shall continue to exist until the City Council proclaims the termination of this local emergency. The City Council shall review the need for continuing the local emergency as required by state law until it terminates the local emergency, and shall terminate the local emergency at the earliest possible date that conditions warrant.

Section 5. A copy of this proclamation shall be forwarded to the Director of California Governor's Office of Emergency Services requesting that the Director find it acceptable in accordance with state law; that the Governor of California, pursuant to the Emergency Services Act, issue a proclamation declaring an emergency in the City of Rancho Santa Margarita; that the Governor waive regulations that may hinder response and recovery efforts; that recovery assistance be made available under the California Disaster Assistance Act; and that the State expedite access to State and Federal resources and any other appropriate federal disaster relief programs.

PROCLAIMED this 10th day of September, 2024.



Jennifer M. Cervantez, Director of
Emergency Services/City Manager

APPROVED AS TO FORM:



Gregory E. Simonian, City Attorney

ATTEST:

Amy Diaz
Amy Diaz, City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF RANCHO SANTA MARGARITA)

I, AMY DIAZ, City Clerk of the City of Rancho Santa Margarita, California, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Proclamation No. 24-09-10-01 adopted by the Director of Emergency Services of the City of Rancho Santa Margarita, California, on this 10th day of September 2024.

AMY DIAZ, CITY CLERK