



## **REPORT TO CITY COUNCIL**

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

**From:** Grant Yates, City Manager

**Prepared by:** Catherine Eakins, Public Works, Administrative Assistant

**Date:** April 9, 2019

**Subject:** Finding Continued Existence of a Local Emergency

### **Recommendation**

That the City Council finds the need to continue the local emergency consistent with Resolution No. 2019-002 adopted by the City Council on January 22, 2019 Ratifying The Proclamation Of Local Emergency And Proclaiming The Existence Of A Local Emergency

### **Background**

In August 2018, the City of Lake Elsinore experienced the Holy Fire incident, which caused more than 9,600 acres to burn. Subsequent to the fire the Emergency Services Manager, together with City staff, took various steps to mitigate the anticipated damage from a major rain event. November brought rain storms to the region as predicted, and with them came flooding and mud slides from the areas where soil surface had already been disturbed and eroded by the Holy Fire. The storm system impacted the City of Lake Elsinore, causing significant damage to public and private property within the City; 17 structures were damaged. McVicker Canyon, Rice Canyon, Leach Canyon and Dickey Canyon areas where the most affected. Mud and debris flowed over the fire ravaged hills following overland flowpath to the lake. In response to these perilous conditions, the City Manager proclaimed a state of Local Emergency in his capacity as Disaster Director pursuant to Lake Elsinore Municipal Code Chapter 2.20. That Proclamation was renewed in response to the continuous threat to public safety posed by the winter storms and persistent evacuation orders.

Lake Elsinore has experienced an unusually large amount of fish die-offs. Although fish die-offs naturally occur during the summer months, and can be beneficial to the lake's health, the quantity of fish die-offs witnessed in recent weeks is cause for concern. In addition to the monthly water sampling test conducted on the lake, testing of lake water was commissioned after the storms and major runoffs into the lake from the surrounding canyons. Results stated fish could not breathe in the water upstream, therefore the runoff could be causing the die off. Also, based on the test results, Golden Algae, which is toxic to fish, has been confirmed in five (5) samples of lake water taken from throughout the lake. The Director's December 20, 2018 Proclamation of Local Emergency and each successive Proclamation through and including the attached January 17, 2019 Proclamation includes the threat to public health and safety related to lake conditions and fish die-offs.

Proclamation of Local Emergency  
April 9, 2019

Pursuant to Lake Elsinore Municipal Code (LEMC) 2.20.080.B. the City Manager, in his capacity as Disaster Director, is empowered to proclaim the existence of a Local Emergency when the City Council is not in session. Pursuant to the LEMC and Government Code Section 8630 (California Emergency Services Act), the City Council must review the local emergency to determine whether the conditions of peril surrounding the local emergency continue to exist and, if so, to ratify the Proclamation of Local Emergency. A local emergency proclamation is a prerequisite to applying for State and Federal financial recovery assistance.

On January 22, 2019, the City Council adopted Resolution No. 2019-002 ratifying the Proclamation Of Local Emergency and proclaiming the existence of a local emergency based upon the finding that the existing conditions are beyond the control of the services, personnel, equipment and facilities of the City of Lake Elsinore's lake management and water quality resources and the County of Riverside that provides fire protection, fire prevention, rescue, and medical emergency services to the City. The City Council determined that assistance for disaster relief is necessary to assist with the ongoing recovery and remediation of current and future damage to property and environmental damage.

**Discussion**

Following the adoption by the City Council of the Proclamation of Local Emergency, State law and the Lake Elsinore Municipal Code require the City Council periodically review the necessity for continuing the local emergency until the emergency is terminated. Severe winter storm systems with significant amounts of rain, mud and debris flow continue to threaten public health and safety to persons and to public and private property in the City of Lake Elsinore, including the most impacted areas of McVicker Canyon, Rice Canyon, Leach Canyon and Dickey Canyon as well as to the health and aquatic resources of the Lake. Consequently, staff recommends that the City Council find a continuing need for the local emergency based on the continued existence of perilous conditions beyond the control of the services, personnel, equipment and facilities of the City of Lake Elsinore's lake management and water quality resources and the County of Riverside that provides fire protection, fire prevention, rescue, and medical emergency services to the City.

**Exhibits**

A - City Council Resolution 2019-002

B – Proclamation of Local Emergency

## **RESOLUTION NO. 2019-002**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, RATIFYING THE PROCLAMATION OF LOCAL EMERGENCY AND PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY**

**WHEREAS**, Lake Elsinore Municipal Code 2.20.080.B. empowers the Disaster Director to proclaim the existence of a Local Emergency when the City Council is not in session; and,

**WHEREAS**, the Disaster Director of the City of Lake Elsinore issued a Proclamation of Local Emergency on December 6, 2018 and subsequently renewed that Proclamation on December 20 and 27, 2018 and on January 3, 10 and 17, 2019 based on the following findings:

- 1) That at the time of the Proclamation(s) the City Council was not in session; and,
- 2) that conditions of extreme peril to the safety of persons and property have arisen within the City of Lake Elsinore caused by the December Holy Flood incident which prompted evacuations of residents in Lake Elsinore, affecting approximately 1000 homes in the communities of Rice Canyon, McVicker and Machado; and,
- 3) this storm system caused severe weather, including damaging winds and heavy rains resulting in significant damage to public and private property, including approximately 17 structures damaged on December 6, 2018; and,
- 4) winter storm systems continue to threaten additional runoff from the scorched surrounding canyons into Lake Elsinore which cause increased toxins altering the water chemistry of the Lake and resulting in fish die-offs on a scale not seen before which together pose a threat to public health and safety; and,
- 5) McVicker Canyon, Rice Canyon, Leach Canyon and Dickey Canyon will continue to drain mud and debris during every rain storm, threatening public safety of the citizens of Lake Elsinore, along with the lake's ecosystem, indicating that assistance is necessary to support the response, recovery and remediation efforts; and,
- 6) the aforesaid conditions of extreme peril are beyond the control of the services, personnel, equipment and facilities of the City of Lake Elsinore's lake management and water quality resources and the County of Riverside that provides fire protection, fire prevention, rescue, and medical emergency services to the City pursuant to a Cooperative Agreement; and,
- 7) the aforesaid conditions of extreme peril warrant and necessitate the Proclamation of a Local Emergency; and

**WHEREAS**, the aforesaid conditions of extreme peril continue to pose a threat to public health and safety beyond the control of the services, personnel, equipment and facilities of the City of Lake Elsinore and the County of Riverside that provides fire protection, fire prevention, rescue, and medical emergency services to the City pursuant to a Cooperative Agreement; and,

**WHEREAS**, the aforesaid conditions of extreme peril warrant and necessitate the Proclamation of a Local Emergency.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1.** That the Local Emergency that commenced on or about or about 6:00 a.m. on the 6<sup>th</sup> day of December and again on the 20<sup>th</sup> day of December, 2018 evidenced by the Proclamations of Local Emergency issued on said dates by the City of Lake Elsinore Disaster Director and subsequently renewed is continuing and ongoing conditions of extreme peril threaten public health and safety.

**Section 2.** The aforesaid conditions of extreme peril continue to pose a threat to public health and safety beyond the control of the services, personnel, equipment and facilities of the City of Lake Elsinore and the County of Riverside that provides fire protection, fire prevention, rescue, and medical emergency services to the City pursuant to a Cooperative Agreement.

**Section 3.** The City Council hereby ratifies the findings contained in the Proclamation of Local Emergency issued January 17, 2019 and hereby proclaims that a Local Emergency continues to exist throughout the City of Lake Elsinore. During the existence of said local emergency the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, by Ordinances, and Resolutions of the City of Lake Elsinore Emergency and Disaster Relief Plan, as approved by the City Council.

**Section 4.** This Resolution shall take effect immediately upon its adoption.

**Section 5.** The City Clerk shall certify to the adoption of this Resolution and enter it into the book of original Resolutions.

**Passed and Adopted** on this 22<sup>nd</sup> day of January 2019.

**Attest:**

Steve Manos

Steve Manos

Mayor

Mark Mahan

Mark Mahan

Deputy City Clerk

STATE OF CALIFORNIA                     )  
COUNTY OF RIVERSIDE                 ) ss.  
CITY OF LAKE ELSINORE                )

I, Mark Mahan, Deputy City Clerk of the City of Lake Elsinore, California, do hereby certify that Resolution No. 2019-002 was adopted by the City Council of the City of Lake Elsinore, California, at the Regular meeting of January 22, 2019, and that the same was adopted by the following vote:

AYES:       Council Members Sheridan, Johnson and Magee; Mayor Pro-Tem Tisdale and Mayor Manos  
NOES:       None  
ABSENT:     None  
ABSTAIN:    None

Mark Mahan  
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Mark Mahan  
Deputy City Clerk



**PROCLAMATION OF LOCAL EMERGENCY**  
**FOR THE CITY OF LAKE ELSINORE, CALIFORNIA**

**WHEREAS**, Lake Elsinore Municipal Code 2.20.080.B. empowers the Disaster Director to proclaim the existence of a Local Emergency when the City Council is not in session; and,

**WHEREAS**, the Disaster Director finds:

- 1) that at the time of this Proclamation the City Council is not in session; and,
- 2) that conditions of extreme peril to the safety of persons and property have arisen within the City of Lake Elsinore caused by the December Holy Flood incident which prompted evacuations of residents in Lake Elsinore, affecting approximately 1000 homes in the communities of Rice Canyon, McVicker and Machado; and,
- 3) this storm system caused severe weather, including damaging winds and heavy rains resulting in significant damage to public and private property, including approximately 17 structures damaged on December 6, 2018; and,
- 4) winter storm systems continue to threaten additional runoff from the scorched surrounding canyons into Lake Elsinore which cause increased toxins altering the water chemistry of the Lake and resulting in fish die-offs on a scale not seen before which together pose a threat to public health and safety; and,
- 5) McVicker Canyon, Rice Canyon, Leach Canyon and Dickey Canyon will continue to drain mud and debris during every rain storm, threatening public safety of the citizens of Lake Elsinore, along with the lake's ecosystem, indicating that assistance is necessary to support the response, recovery and remediation efforts; and,
- 6) the aforesaid conditions of extreme peril are beyond the control of the services, personnel, equipment and facilities of the City of Lake Elsinore's lake management and water quality resources and the County of Riverside that provides fire protection, fire prevention, rescue, and medical emergency services to the City pursuant to a Cooperative Agreement; and,
- 7) the aforesaid conditions of extreme peril warrant and necessitate the Proclamation of a Local Emergency.

**NOW THEREFORE,**

**IT IS HEREBY PROCLAIMED** that the Local Emergency that commenced on or about or about 6:00 a.m. on the 6<sup>th</sup> day of December 2018 and proclaimed again on December 20 and 27, 2018 and January 3, 2019 is continuing and based on the ongoing threat to public health and safety a Local Emergency exists throughout the City of Lake Elsinore.

**IT IS FURTHER PROCLAIMED AND ORDERED** that said Local Emergency shall be deemed to continue to exist for the next six (6) days, and hereafter by ratification of the City Council of the City of Lake Elsinore, until its termination is proclaimed by the City Council of the City of Lake Elsinore.

Grant Yates, Disaster Director  
City of Lake Elsinore

Dated: January 17, 2019