

PROCLAMATION OF LOCAL EMERGENCY

A PROCLAMATION OF THE CITY MANAGER OF THE CITY OF TUSTIN, CALIFORNIA, ACTING AS THE DIRECTOR OF EMERGENCY SERVICES, DECLARING THE EXISTENCE OF A LOCAL EMERGENCY.

WHEREAS, Tustin Municipal Code Sections 5204 and 5205 empower the City Manager, as the Director of Emergency Services, 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 City Manager 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 Tuesday, November 7, 2023, a fire erupted on the decommissioned Tustin Air Base in the North Hangar, a wooden structure, constructed in the 1940's and designated as a Historical Landmark; and

WHEREAS, the U.S. Navy is the responsible owner of the site, including the North Hangar, but does not maintain firefighting or other equipment due to the decommissioned status of former Marine Corps Air Station Tustin; and

WHEREAS, the Orange County Fire Authority (OCFA) was dispatched to the former Marine Corps Air Station Tustin to respond to the rapidly progressing fire that ultimately destroyed the North Hangar; and

WHEREAS, the South Coast Air Quality Management District (SCAQMD) conducted air quality samples which showed elevated levels of chemicals of potential public health concerns including asbestos; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen in the City of Tustin due to air pollution from the fire and the potential release of chemicals of public health concern including asbestos; and

WHEREAS, it is anticipated that immediate and long-term environmental testing and remediation may be needed to protect the health and safety of the public; and

WHEREAS, it is unclear at this point the extent of testing or remediation that will be needed such that the conditions resulting from the fire and chemicals of public health concern are or are likely to be beyond the capacity of the City of Tustin or surrounding jurisdictions to address on their own and may require the combined forces of local, state and federal authorities to combat or assess; and

WHEREAS, the demolition, debris removal, site remediation and other offsite remediation requirements are unknown at this time; and

WHEREAS, the City Manager, acting as the Director of Emergency Services, has the power to declare a local emergency as authorized by California Government Code Section 8630 and Tustin Municipal Code Sections 5204 and 5205(a)(1).

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED BY THE CITY MANAGER OF THE CITY OF TUSTIN 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 2 of Article 5 of the Tustin 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 an epidemic, as detailed in the recitals set forth above.

Section 2. The area of the City of Tustin 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 Plan.

Section 4. The City Council shall review and ratify this proclamation of the City Manager within seven 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. That a copy of this proclamation 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 Tustin; 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 9th day of November 2023.



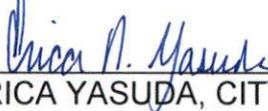
NICOLE BERNARND, ACTING CITY
MANAGER, AND ACTING DIRECTOR
OF EMERGENCY SERVICES

APPROVED AS TO FORM:



DAVID E. KENDIG, CITY ATTORNEY

ATTEST:



ERICA YASUDA, CITY CLERK