

ATTACHMENT A

RESOLUTION NO. 2025-75

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, RATIFYING IN ITS ENTIRETY THE PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES ON OCTOBER 22, 2025, AND DECLARING THAT THE LOCAL EMERGENCY SHALL REMAIN IN EFFECT UNTIL THE EMERGENCY IS TERMINATED BY THE CITY COUNCIL

WHEREAS, Section 200 of the Charter of the City of Newport Beach ("City") vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges, or procedures granted or prescribed by any law of the State of California;

WHEREAS, Chapter 2.20 (Emergency Services) of the Newport Beach Municipal Code provides for the preparation and implementation of plans to provide services within Newport Beach in the event of an emergency, to empower certain City officials to promulgate orders and regulations necessary to provide for the protection of life and property or to preserve public order and safety, and to provide for the coordination of the emergency service functions of the City with all other public agencies and affected private persons, corporations, and organizations;

WHEREAS, Section 2.20.060(A) of the Newport Beach Municipal Code empowers the Director of Emergency Services to proclaim the existence of a local emergency when conditions of disaster or extreme peril to the safety of persons or property exist within the City of Newport Beach, and the City Council is not in session, provided that such proclamation shall be ratified by the City Council at the earliest practicable time, but in no event later than seven (7) days after issuance, or it shall have no further force or effect;

WHEREAS, Section 2.20.060(C)-(E) of the Newport Beach Municipal Code further authorizes the Director of Emergency Services to control and direct the City's emergency organization, coordinate interagency response, and represent the City in dealings with public or private agencies during emergencies;

WHEREAS, on October 22, 2025, the Director of Emergency Services of the City of Newport Beach proclaimed the existence of a local emergency due to the seepage of methane gas and oil intrusion into a residential structure located at 3606 Marcus Avenue, reportedly originating from an abandoned or old oil well, which created conditions of extreme peril to the safety of persons and property;

WHEREAS, the Director of Emergency Services determined that these conditions required the evacuation of affected and nearby properties, the restriction of access to the impacted area, and the mobilization of emergency personnel and resources to mitigate the danger and protect the public health and safety;

WHEREAS, pursuant to Section 2.20.070 of the Newport Beach Municipal Code, all rules, orders, and regulations issued under the authority of the Director of Emergency Services must: (1) be in writing; (2) receive widespread publicity and notice; and (3) be ratified and confirmed by the City Council within seven (7) days of issuance, or they shall have no further effect;

WHEREAS, the Director of Emergency Services has submitted to the City Council the written Proclamation of the Existence of a Local Emergency, attached hereto as Exhibit 1, all associated emergency orders and regulations, and a report describing the facts and circumstances necessitating the emergency proclamation in accordance with Section 2.20.070(B) of the Newport Beach Municipal Code;

WHEREAS, the City Council has reviewed the proclamation, the accompanying report, and the Director of Emergency Service's findings, and hereby determines that the conditions described therein were a threat to the public health, safety, and welfare, and that the proclamation and emergency was issued under the authority of the Newport Beach Municipal Code and the California Emergency Services Act;

WHEREAS, the City Council has reviewed the emergency rules, regulations and orders set forth in the proclamation and hereby determines that the rules, regulations and orders were necessary to address the threat to the public health, safety, and welfare at the time said rules, regulations and orders were issued;

WHEREAS, the City of Newport Beach Fire and Utilities Departments, in coordination with the Orange County Health Care Agency, undertook mitigation measures to safely vent accumulated methane gas; and

WHEREAS, the City Council hereby determines that there is still a threat to the public health, welfare, and safety that will continue until a permanent solution resolving the accumulation and venting of methane gas and seeping oil is designed, implemented, and verified as effective by the appropriate regulatory agencies.

NOW, THEREFORE, the City Council of the City of Newport Beach ordains as follows:

Section 1: The City Council hereby ratifies and confirms the Proclamation of the Existence of a Local Emergency issued by the Director of Emergency Services on October 22, 2025, attached hereto as Exhibit 1 and incorporated herein by this reference, pursuant to Section 2.20.060(A) of the Newport Beach Municipal Code (“Proclamation of Emergency”). The City Council further adopts and affirms all findings and determinations set forth in the Proclamation of Emergency and declares that the Proclamation of Emergency shall remain in full force and effect until such time as the City Council proclaims that the local emergency has been terminated in accordance with applicable law.

Section 2: The City Council hereby ratifies and confirms all written emergency rules, regulations, and orders issued by the Director of Emergency Services pursuant to Section 2.20.070 of the Newport Beach Municipal Code, as set forth in the Proclamation of Emergency. The City Council hereby rescinds the rules, regulations and orders 1 through 7, set forth in the Proclamation of Emergency, which shall no longer be in effect upon the adoption of this resolution.

Section 3. The City Council affirms that the City’s Emergency Operations Plan, adopted pursuant to Section 2.20.050 of the Newport Beach Municipal Code, is in full force and effect, and authorizes all City departments and the City’s Emergency Organization to continue implementing and enforcing its provisions to protect life and property and mitigate the emergency conditions.

Section 4: The City Council shall review the need for continuing the local emergency at least once every sixty (60) days, in accordance with Section 2.20.065 of the Newport Beach Municipal Code and shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant.

Section 5: The City Manager, as the Director of Emergency Services of the City of Newport Beach, is authorized to take the actions delineated in Chapter 2.20 (Emergency Services) of the Newport Beach Municipal Code, in furtherance of the Proclamation of Local Emergency including applying for federal and state assistance.

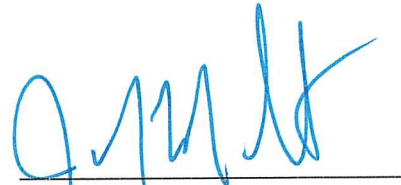
Section 6: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 7: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 8: The City Council finds and determines that the introduction and adoption of this Proclamation of Local Emergency is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15269(c) (the activity is necessary to prevent or mitigate an emergency), 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 9: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 28th day of October, 2025.



Joe Stapleton
Mayor

ATTEST:



Lena Shumway
City Clerk



APPROVED AS TO FORM:

CITY ATTORNEY'S OFFICE



Aaron C. Harp

Exhibit 1 - Proclamation of the Existence of a Local Emergency issued by the Director of Emergency Services on October 22, 2025

City of Newport Beach

EXHIBIT 1

**PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY
BY THE DIRECTOR OF EMERGENCY SERVICES
OF THE CITY OF NEWPORT BEACH
OCTOBER 22, 2025**

WHEREAS, Section 2.20.060 of the Newport Beach Municipal Code empowers the Director of Emergency Services of the City of Newport Beach to proclaim the existence of a local emergency due to the existence of conditions of disaster or extreme peril to the safety of persons or property within the City of Newport Beach, if the City Council is not in session; and

WHEREAS, the Emergency Services Director of the City of Newport Beach does hereby find that:

1. A hazardous condition has arisen at 3606 Marcus Avenue, Newport Beach, California 92663, involving the seepage of methane gas and oil intrusion into a residential structure, reportedly originating from an abandoned or old oil well;
2. The presence of oil and methane gas poses an immediate threat to the health, safety, and welfare of residents and the surrounding community, necessitating urgent protective measures;
3. In the interest of public safety, the evacuation of the affected residence and neighboring properties is required until the hazard can be assessed and mitigated;
4. Access to the affected area must be strictly controlled to prevent injury or interference with emergency response operations;
5. Such conditions of disaster or extreme peril are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the City of Newport Beach and require or are likely to require the combined forces of other political subdivisions and other agencies to combat; and
6. That the City Council of the City of Newport Beach is not in session. _____

NOW, THEREFORE, BE IT PROCLAIMED that a local emergency now exists within the City of Newport Beach.

PURSUANT TO THE AFORESAID PROCLAMATION, THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF NEWPORT BEACH HEREBY PROMULGATES AND ISSUES THE FOLLOWING ORDERS AND REGULATIONS:

1. All residents and the general public shall evacuate and remain clear of the affected area, which includes the properties located at 3610, 3608, 3602, 3600 and 3600 ½ Marcus Avenue; 312 The Rialto; and 313 36th Street, Newport Beach, California, as well as the

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portions of the adjacent streets as depicted in Exhibit A, attached hereto and incorporated herein by reference (hereinafter referred to as the “Emergency Zone”).

2. No person shall enter, be within, or remain within, any building or area within the designated Emergency Zone after receiving a written or oral order to either not enter or to leave such building or area from a peace officer.

3. No person shall enter the designated Emergency Zone unless authorized by the Director of Emergency Services, the Utilities Director, the Fire Chief, or the Police Chief.

4. All vehicles, except emergency response and authorized personnel vehicles, are prohibited from entering or parking on public streets within the Emergency Zone.

5. The provisions of Order Nos. 1 through 4 above shall not apply to any City of Newport Beach employee or contractor, as well as any police, fire, or emergency services personnel, while such person is engaged in providing police, fire, or other emergency services.

6. A violation of any of the above emergency orders and regulations shall be a misdemeanor punishable pursuant to Section 2.20.100 of the Newport Beach Municipal Code.

7. All peace officers are hereby authorized to enforce the above emergency orders and regulations and to arrest any person who does not obey said orders and regulations.

8. The City Attorney is authorized to seek a court order enjoining any responsible person from maintaining the public nuisance.

9. If the Director of Emergency Services determines that mitigation measures or summary abatement are necessary, City personnel/contractors and emergency personnel shall be authorized to take action to mitigate or summarily abate the public nuisance at the expense of the persons creating, causing, committing, or maintaining the public nuisance.

This proclamation is in effect beginning at 6:00 p.m. on October 22, 2025, and shall continue in full force and effect until rescinded or amended, or until the local emergency is proclaimed terminated.

Dated: October 22, 2025

Grace Leung,
Director of Emergency Services

EXHIBIT A



Properties To Be Evacuated
City of Newport Beach

NBGis
City of Newport Beach
GIS Division
October 22, 2025

City of Newport Beach