

## ATTACHMENT A

### RESOLUTION NO. 2021-99

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, (i) RATIFYING THE PROCLAMATION OF A LOCAL EMERGENCY ISSUED ON OCTOBER 5, 2021, BY CITY MANAGER GRACE LEUNG, THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF NEWPORT BEACH, AND (ii) APPROVING AND AUTHORIZING CERTAIN ACTIONS RELATING THERETO**

**WHEREAS**, Section 8630 of the Government Code and Section 2.20.060 of the Newport Beach Municipal Code empowers City Manager Grace Leung, the Director of Emergency Services of the City of Newport Beach, to proclaim the existence or threatened existence of a local emergency when the City of Newport Beach is affected or likely to be affected by a public calamity and the City Council is not in session;

**WHEREAS**, on Saturday October 2, 2021, the City of Newport Beach was informed that there was an oil spill of approximately 125,000 gallons of oil, five miles off the coast of Huntington Beach, causing an oil slick, originally estimated to be 13 square miles;

**WHEREAS**, on Saturday October 2, 2021, oil was observed onshore between 52nd Street and the Santa Ana River in the City of Newport Beach;

**WHEREAS**, on Sunday October 3, 2021, the City of Newport Beach issued an advisory warning the public to avoid contact with ocean water and oiled areas of the beach;

**WHEREAS**, due to the oil spill, on October 4, 2021, the County of Orange, in coordination with the United States Coast Guard and the California Department of Fish and Wildlife's Office of Spill Prevention and Response, announced the closure of Newport Beach Harbor, prohibiting boats from entering and exiting Newport Beach Harbor;

**WHEREAS**, the oil spill has impacted and continues to threaten the environment and marine life in the area, including marine mammals, birds, and fish;

**WHEREAS**, the oil spill has caused or may cause economic impacts for community members, businesses, and the City of Newport Beach due to the loss of access, tourism and impacts to commercial and recreational fishing, charters, and watersports;

**WHEREAS**, as part of the State of California's response to the oil spill, on October 4, 2021, Governor Gavin Newsom proclaimed a State of Emergency to exist in Orange County ("State of Emergency");

**WHEREAS**, on October 5, 2021, in response to the oil spill, City Manager Grace Leung, the Director of Emergency Services of the City of Newport Beach, issued a Proclamation of Local Emergency ("Proclamation"), a copy of which Proclamation is attached hereto as Attachment 1 and incorporated herein by this reference, because the response to the oil spill and declared State of Emergency may be beyond the control of the services, personnel, equipment, and facilities of the City of Newport Beach and may require the combined forces of other political subdivisions and other agencies to combat;

**WHEREAS**, the City Council was not in session at the time the Proclamation was issued; and

**WHEREAS**, the City Council does hereby find that the aforesaid conditions of extreme peril did warrant and necessitate the issuance of the Proclamation by the Director of Emergency Services.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

**Section 1:** The City Council hereby confirms and ratifies that certain Proclamation of the Existence of a Local Emergency by the Director of Emergency Services, which Proclamation is dated October 5, 2021.

**Section 2:** The local emergency shall be deemed to continue to exist throughout the City of Newport Beach and shall remain in effect until the local emergency is terminated by proclamation of the City Council of the City of Newport Beach.

**Section 3:** The City Manager is hereby authorized to order, undertake, and/or direct such other measures as may be necessary or appropriate to respond to the oil spill.

**Section 4:** The City Manager is hereby authorized to issue any orders and regulations and to enter into agreements as may be necessary or appropriate to respond to the oil spill.

**Section 5:** A copy of this resolution and Proclamation shall be forwarded to the Director of the California Governor's Office of Emergency Services requesting that the Director find it acceptable and in accordance with state law; that recovery assistance be made available under the California Disaster Assistance Act; that the state expedite access to state and federal resources and any other appropriate federal disaster relief programs; and to the extent not already addressed in the State of Emergency, that the Governor waive any regulations that may hinder response and recovery efforts.

**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 the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 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 12th day of October 2021.

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Brad Avery  
Mayor

**ATTEST:**

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Leilani I. Brown  
City Clerk

**APPROVED AS TO FORM:**  
CITY ATTORNEY'S OFFICE

  
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Aaron C. Harp  
City Attorney

Attachment 1: Proclamation of Local Emergency dated October 5, 2021

ATTACHMENT 1

**PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY  
BY THE DIRECTOR OF EMERGENCY SERVICES  
OF THE CITY OF NEWPORT BEACH**

**WHEREAS**, Section 8630 of the Government Code and Section 2.20.060 of the Newport Beach Municipal Code empower 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

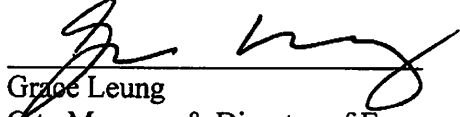
**WHEREAS**, the Emergency Services Director of the City of Newport Beach does hereby find as follows:

1. On Saturday, October 2, 2021, the City of Newport Beach was informed that there was an oil spill of approximately 125,000 gallons of oil, five miles off the coast of Huntington Beach, causing an oil slick, originally estimated to be 13 square miles;
2. On Saturday October 2, 2021, oil was observed onshore between 52<sup>nd</sup> Street and the Santa Ana River in the City of Newport Beach;
3. On Sunday October 3, 2021, the City of Newport Beach issued an advisory warning the public to avoid contact with ocean water and oiled areas of the beach;
4. Due to the oil spill, on October 4, 2021, the County of Orange, in coordination with the United States Coast Guard and the California Department of Fish and Wildlife's Office of Spill Prevention and Response, announced the closure of Newport Beach Harbor, prohibiting boats from entering and exiting Newport Beach Harbor;
5. On October 4, 2021, Governor Gavin Newsom proclaimed a State of Emergency to exist in Orange County due to the oil spill;
6. The oil spill has impacted and continues to threaten the environment and marine life in the area, including marine mammals, birds, and fish;
7. The oil spill has caused or may cause economic impacts for community members, businesses, and the City of Newport Beach due to the loss of access, tourism and impacts to commercial and recreational fishing, charters, and watersports; and
8. 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, which has been caused by the oil spill, which impacts the safety of persons and property within the City of Newport Beach which is beyond the control of the services, personnel, equipment, and facilities of the City of Newport Beach and which requires the combined forces of this City with other political subdivisions.

This proclamation is effective as of October 5, 2021 and shall continue in full force and effect until rescinded or amended, or until the local emergency is proclaimed terminated.

Dated: October 5, 2021

  
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Grace Leung  
City Manager & Director of Emergency  
Services of the City of Newport Beach