



OFFICE OF THE COUNTY COUNSEL  
COUNTY OF ORANGE

400 West Civic Center Drive, Suite 202  
Santa Ana, California 92701  
Direct No.: (714) 834-3300  
Fax No.: (714) 560-4552

LEON J. PAGE  
COUNTY COUNSEL

MEMORANDUM

Bd: 9/10/24  
#522 I

September 10, 2024

TO: Members of the Board of Supervisors  
FROM: Leon J. Page, County Counsel  
SUBJECT: Proclamation of Local Emergency for Airport Fire

On September 9, 2024, at approximately 1330 hours, the Orange County Fire Authority responded to a wildland fire, referred to as the "Airport Fire," in the unincorporated area of the County on Trabuco Canyon Road. Since the start of the fire, over 9000 acres of wilderness have burned due to hot and dry conditions and challenging terrain, and the fire now threatens the City of Rancho Santa Margarita and is impacting surrounding unincorporated areas of the County and requires the evacuation of residents and the need to temporarily provide safe shelter to Orange County residents and large animals at facilities in other parts of the County.

We recommend the Board take the following actions:

1. In accordance with the requirements of the Ralph M. Brown Act, Government Code section 54954.2 (b)(1), to add the item of business to the Board's September 10, 2024, meeting agenda, find that an emergency exists pursuant to California Government Code Section 54956.5.
2. Proclaim the existence of a local emergency for the Airport Fire pursuant to Government Code Section 8630.
3. Authorize the Chairman of the Board of Supervisors to sign the attached Proclamation of Local Emergency and Request to the Governor.
4. Review the Local Emergency Proclamation in 60 days.

  
\_\_\_\_\_

Attachment: Proclamation of Local Emergency

**COUNTY OF ORANGE  
STATE OF CALIFORNIA  
PROCLAMATION OF A LOCAL EMERGENCY  
AND  
REQUEST FOR GOVERNOR OF THE STATE OF CALIFORNIA TO PROCLAIM A  
STATE OF EMERGENCY AND TAKE OTHER SPECIFIED ACTIONS**

WHEREAS, in accordance with Government Code Section 8630, a local emergency may be proclaimed by the Board of Supervisors of the County of Orange or by an official so designated by ordinance adopted by the Board of Supervisors; and

WHEREAS, Section 3-1-6(a) of the Codified Ordinances of the County of Orange provides that the Director of Emergency Services shall request the Board of Supervisors to proclaim a local emergency when the Board of Supervisors is in session and the Chair of the Emergency Management Council to so proclaim when the Board of Supervisors is not in session; and

WHEREAS, the Board of Supervisors is in session, and the Director of Emergency Services hereby requests that the Board of Supervisors proclaim a local emergency; and

WHEREAS, on September 9, 2024, at approximately 1330 hours, Orange County Fire Authority responded to a wildland fire, referred to as the "Airport Fire," in an unincorporated area of the County on Trabuco Canyon Road; and

WHEREAS, over 9000 acres of wilderness have burned due to hot and dry conditions and challenging terrain, threatening the City of Rancho Santa Margarita and impacting surrounding unincorporated areas of the County, and requiring the evacuation of residents and the need to temporarily provide safe shelter to Orange County community members and large animals at facilities in other parts of the County; and

WHEREAS, these conditions create an increased risk of erosion, flooding, and debris flows and other hazards resulting from the destruction of vegetation and infrastructure which will require related debris management and removal; and

WHEREAS, such debris may need to be disposed of at County landfills, necessitating an emergency waiver from the Local Enforcement Agency, as required by Title 14 of the California Code of Regulations, Section 17210.2(a), which provides that “[a]n emergency waiver may only be issued when there has been a proclamation of a state of emergency or local emergency . . . ”; and

WHEREAS, these conditions collectively constitute conditions of extreme peril to the safety of persons and property within the territorial limits of the County of Orange which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the County of Orange, and require the combined forces of other political subdivisions to combat.

**NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED:**

1. That a local emergency exists with the County of Orange pursuant to Government Code Section 8630 and as defined by Government Code Section 8558 and shall be deemed to continue to exist subject to ratification, review, and termination by the Board of Supervisors pursuant to Government Code Section 8630.

2. That all County departments and agencies shall take those actions, measures, and steps deemed necessary to assure the safety and welfare of Orange County citizens and property, including requesting mutual aid to the extent such aid is necessary.

3. That the County has incurred costs associated with the emergency mitigation, response, and recovery.

4. That there will be a need for disaster-related debris removal that necessitates the proclamation of a local emergency to ensure that such debris can be properly disposed of, and OC Waste & Recycling may seek a waiver pursuant to Title 14 of the California Code of Regulations, Section 17210.2 if necessary.

5. That a copy of this Proclamation be forwarded to the Director of the California Governor's Office of Emergency Services ("Cal OES") requesting that Cal OES find this Proclamation acceptable in accordance with State law and forward this Proclamation to the Governor of the State of California for consideration and action on Orange County's requests that the Governor:

5.1. Proclaim a State of Emergency in and for the County of Orange.

5.2. Suspend those statutes, regulations, rules, and orders that may hinder response and recovery efforts.

5.3. Request that the Federal Emergency Management Agency ("FEMA") approve Transitional Sheltering Assistance to the County and its mutual aid partners in providing safe, temporary shelter to disaster survivors, including to those with disabilities, access, and functional needs.

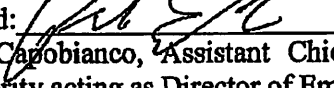
5.4. Make all relevant funds available to the County of Orange and all eligible community members and businesses, including but not limited to the California Disaster Assistance Act funds and State Private Non-profit Organizations Assistance Program funds.

5.5. Order that the State expedite access to Federal resources and any other federal disaster relief programs.

5.6. That the Governor request that the President of the United States make a Presidential Declaration of Emergency in and for the County of Orange and make relevant funds available to the County of Orange and all eligible community members and businesses, including, but not limited to, aid provided by the Small Business Administration.

6. The Director of Emergency Services shall continue to assess the local emergency and advise the Chair of the Emergency Management Council whether emergency response and recovery efforts warrant that additional requests be sent to the Governor regarding the suspension of any statutes, rules, or regulations as authorized under Government Code Section 8571, or whether additional requests for State and Federal assistance be provided to the County of Orange in connection with this emergency.

Date: 9/10/24

Signed:   
Rob Capobianco, Assistant Chief, Orange County Fire Authority acting as Director of Emergency Services

Time Signed: 11:15 am/pm

Date: 9/10/24

Signed:   
Donald R. Wagner, Chairman, Board of Supervisors

Time Signed: 11:55 am/pm