



CITY OF HIGHLAND

CITY COUNCIL AGENDA

Special Meeting
September 12, 2024 at 4:00 P.M.
City Hall Donahue Council Chambers
27215 Base Line, Highland, CA 92346

COUNCILMEMBERS

Penny Lilburn, Mayor
District 3

Larry McCallon, Mayor Pro Tem
District 5

Jesse Chavez-Cordova, Councilmember
District 1

Anaeli Solano, Councilmember
District 2

John P. Timmer, Councilmember
District 4

STAFF

Carlos Zamano, City Manager
Lawrence Mainez, Community Development Director
Leticia Nava-Cruz, Director of Administrative Services/City Treasurer
Maricela Marroquin, City Attorney
Octavio Duran Jr., Public Works Director/City Engineer
Alondra Muñoz, City Clerk

MISSION STATEMENT

Highland is dedicated to the betterment of the individual, the family, the neighborhood and the community. The City Council and the staff of Highland are dedicated to providing the quality of public facilities and services that its citizens are willing to fund and will do so as efficiently as possible.

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance, please contact the City Clerk's office at (909) 864-6861, ext. 226, at least 72 hours prior to the meeting for any requests for reasonable accommodations, including interpreters.

Pursuant to Government Code Section 54957.5, any disclosable public records related to an open session item on a regular meeting agenda and distributed by the City of Highland to all or a majority of the City Council less than 72 hours prior to that meeting are available for public inspection at City Hall, 27215 Base Line, Highland, CA 92346, during normal business hours.

Levine Act: Pursuant to Government Code Section 84308, any party to a City proceeding must disclose on the record any campaign contributions made to a member of the City Council (or commission) in excess of \$250 in the past 12 months. This disclosure requirement includes contributions by the party's agent and aggregated contributions from persons or entities related to the party. Please make the disclosure as soon as possible, but no later than the beginning of the proceeding.

CITY COUNCIL SPECIAL MEETING

September 12, 2024 - 4:00 p.m.

NOTICE IS HEREBY GIVEN that a special meeting of the Highland City Council is hereby called to be held on September 12, 2024, at 4:00 p.m. in the City Council Chambers of City Hall located at 27215 Base Line, Highland, California. Said special meeting shall be for the purpose of conducting business in accordance with the attached Agenda.

AGENDA

CALL TO ORDER

ROLL CALL

PUBLIC COMMENT (LIMITED TO ITEMS ON THIS AGENDA ONLY)

To address the City Council on ITEMS ON THIS AGENDA ONLY, please complete a speaker form located at the entrance and give it to the City Clerk prior to the beginning of the meeting. Your name will be called when it is your turn to speak. State Law prohibits the City Council from acting on any item not on the agenda. Individual speakers are limited to three minutes each.

Comments received via email at publiccomment@cityofhighland.org by September 12, 2024, 3:00 p.m., will be read into the record, provided that the reading shall not exceed three (3) minutes. Emailed comments submitted by a speaker that also appears in person to address the same matter will not be read into the record.

CITY COUNCIL LEGISLATIVE

1. Resolution No. 2024- , a Resolution of the City Council of the City of Highland, California, Ratifying the Proclamation of a Local Emergency in the City of Highland Issued by the City's Director of Emergency Services on September 11, 2024 as a Result of the Line Fire
RECOMMENDATION: That the City Council approve Resolution No. 2024-_____, ratifying the Proclamation of a Local Emergency in the City of Highland issued by the City's Director of Emergency Services on September 11, 2024 as a result of the Line Fire.

ADJOURN

I, Alondra Muñoz, City Clerk, certify I caused to be posted this Agenda on or before September 11, 2024, by 3:30 p.m., on our website at www.cityofhighland.org and in the following designated areas:

Highland Branch Library

7863 Central Avenue

Fire Station No. 1

26974 Base Line

City Hall

27215 Base Line

Date: September 11, 2024



Alondra Muñoz
City Clerk



STAFF REPORT

TO THE CITY COUNCIL

DATE: September 12, 2024

FROM: Carlos Zamano, City Manager

REVIEWED BY: Maricela Marroquin, City Attorney

PREPARED BY: Carlos Zamano, City Manager
Maricela Marroquin, City Attorney

SUBJECT: Resolution No. 2024-XX – a Resolution of the City Council of the City of Highland, California, Ratifying the Proclamation of a Local Emergency in the City of Highland Issued By the City's Director of Emergency Services on September 11, 2024 as a result of the Line Fire

RECOMMENDATION: That the City Council approve Resolution No. 2024-XX, ratifying the Proclamation of a Local Emergency in the City of Highland issued by the City's Director of Emergency Services on September 11, 2024 as a result of the Line Fire.

FISCAL IMPACT: There is no immediate financial impact or budget action necessary as a result of the recommended action.

PUBLIC NOTICE: As required by City Council Resolution, notice of the public hearing was posted at the City's three designated posting locations.

BACKGROUND & DISCUSSION: Chapter 2.44 of Title 2 of the Highland Municipal Code ("HMC") contains the City's laws relating to emergency procedures. HMC Section 2.44.060 designates the City Manager as the Director of Emergency Services ("Director"), and CMC Section 2.44.060(A) empowers the Director to issue a proclamation of a local emergency if the City Council is not in session.

On the evening of Thursday, September 5, 2024, the Line Fire broke out in Highland. Over the weekend, the fire intensified and is currently over 34,600 acres in size and is only 14% contained. The Line Fire is currently causing conditions of extreme peril to the safety of persons and property within the City of Highland and has resulted in evacuation warnings for parts of the City.

On September 7, 2024, the County of San Bernardino proclaimed a local emergency as a result of the Line Fire (Attachment 1).

Approved _____	Motion _____	Second _____	Agenda Item No. <u>1</u>
Denied _____	Ayes _____		
Continued _____	Noes _____		File No. _____
Tabled _____	Abstain _____		
	Absent _____		
 City Clerk		 City Manager	

On September 7, 2024, Governor Newsom proclaimed a State of Emergency in San Bernardino County as a result of the Line Fire (Attachment 2) and announced that California has secured a Fire Management Assistance Grant from the Federal Emergency Management Agency (FEMA) to help ensure the availability of vital resources to suppress the fire.

On September 11, 2024, the City Manager, as the Director of Emergency Services, issued a proclamation entitled "Proclamation of a Local Emergency by the Director of Emergency Services of the City of Highland," as the City Council was not in session. This action authorized the City Manager to take certain necessary actions to address the emergency. A copy of the Director of Emergency Services' Proclamation of a Local Emergency is attached (Attachment 3).

The Director of Emergency Services' Proclamation of a Local Emergency permits the Director of Emergency Services and the City Council to adopt regulations and issue orders necessary for the protection of lives and property. It also assists the City in recovering costs of responding to the disaster. Furthermore, it allows for the City to enjoy certain immunities from liability as a result of taking actions to abate the emergency.

Pursuant to California Government Code Section 8630 and HMC Section 2.44.060(A), the Director of Emergency Services' Proclamation will expire within seven (7) days unless ratified by the City Council. The ratification of the Director's Proclamation will also assist in enabling the City to apply for state aid to obtain reimbursement of the City's costs incurred in abating the emergency. This action, if ratified by the City Council, will need to be reviewed at least once every sixty (60) days until the City Council terminates the local emergency.

The Director of Emergency Services requests the City Council adopt Resolution No. 2024-XX (Attachment 4), ratifying the proclamation of the existence of a local emergency, because: (1) the Line Fire has caused conditions of extreme peril to the safety of persons and property within the City of Highland; and (2) the aforementioned conditions of extreme peril did warrant and necessitate and continue to warrant and necessitate the proclamation of the existence of a local emergency.

The local emergency will remain in effect until its termination is proclaimed by the City Council.

ATTACHMENTS:

- 1) Director's Proclamation of Local Emergency
- 2) Governor's Proclamation of State of Emergency
- 3) County's Proclamation of Local Emergency
- 4) Resolution Ratifying Director's Proclamation of Local Emergency

ATTACHMENT 1



**PROCLAMATION OF A LOCAL EMERGENCY
BY THE
DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF HIGHLAND**

WHEREAS, Section 8630 of the Government Code authorizes the designation of a City official to proclaim a local emergency; and

WHEREAS, Highland Municipal Code Section 2.44.060 designates the Director of Emergency Services to proclaim the existence of a local emergency if the City Council is not in session; and

WHEREAS, the Line Fire is currently causing conditions of extreme peril to the safety of persons and property within the City of Highland; and

WHEREAS, the City Council is not in session and cannot immediately be called into session.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency now exists throughout the City of Highland.

IT IS FURTHER PROCLAIMED AND ORDERED that a copy of this Proclamation shall be forwarded to the Director of the Governor's Office of Emergency Services requesting that:

1. This Proclamation be found acceptable in accordance with state law; and
2. The Governor waive regulations that may hinder response and recovery efforts; and
3. Recovery assistance be made available under the California Disaster Assistance Act; and
4. The State of California expedite access to state and federal resources and any other appropriate federal disaster relief programs.

IT IS FURTHER PROCLAIMED AND ORDERED that, during the existence of this local emergency the powers, functions, and duties of the emergency organization of the City of Highland shall be those prescribed by applicable statutes, ordinances, and resolutions, and by the City's Emergency Operations Plan. This Proclamation shall have no further force or effect seven days from the date of its adoption unless the City Council shall take action to ratify this Proclamation.

DATED this 11th day of September, 2024

Carlos Zamano
Director of Emergency Services/City Manager
City of Highland

ATTACHMENT 2

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS on September 5, 2024, the Line Fire began burning in San Bernardino County and has since burned over 7,000 acres; and

WHEREAS the Line Fire has prompted evacuation orders and road closures, and continues to threaten structures, homes, critical infrastructure, endangered species, watersheds, and cultural and heritage resources; and

WHEREAS continued high temperatures throughout the day and night, dry conditions, and strong winds have increased the intensity and spread of the Line Fire, causing imminent threat to life, with an Excessive Heat Warning in effect in San Bernardino County; and

WHEREAS in response to a request from the Office of Emergency Services, the Federal Emergency Management Agency approved a Fire Management Assistance Grant to assist with the mitigation, management, and control of the Line Fire; and

WHEREAS under the provisions of Government Code section 8558(b), I find that conditions of extreme peril to the safety of persons and property exist due to the Line Fire in San Bernardino County; and

WHEREAS under the provisions of Government Code section 8558(b), I find that the conditions caused by the Line Fire, by reason of their magnitude, are beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authorities are inadequate to cope with the magnitude of the damage caused by the Line Fire; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of the Line Fire.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in San Bernardino County due to the Line Fire.

IT IS HEREBY ORDERED THAT:

1. All agencies of the state government utilize and employ state personnel, equipment, and facilities for the performance of any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan. Also, all residents are to obey

the direction of emergency officials with regard to this emergency in order to protect their safety.

2. The Office of Emergency Services shall provide assistance to local governments, if appropriate, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.
3. As necessary to assist local governments and for the protection of public health and the environment, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services necessary to quickly assist with the response to and recovery from the impacts of the Line Fire. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of the Line Fire.
4. The California National Guard may be mobilized under Military and Veterans Code section 146 to support disaster response and relief efforts, as directed by the Office of Emergency Services, and to coordinate with all relevant state agencies and state and local emergency responders and law enforcement within the impacted areas. Sections 147 and 188 of the Military and Veterans Code are applicable during the period of participation in this mission, exempting the California Military Department from applicable procurement rules for specified emergency purchases, and those rules are hereby suspended.
5. The provisions of Unemployment Insurance Code section 1253 imposing a one-week waiting period for unemployment insurance applicants are suspended as to all applicants who are unemployed as a direct result of the Line Fire in San Bernardino County and apply for unemployment insurance benefits during the time period beginning September 5, 2024, and ending on the close of business on March 5, 2025, in San Bernardino County and who are otherwise eligible for unemployment insurance benefits.
6. In order to ensure hospitals, clinics, and other health facilities remain open, the Director of the California Department of Public Health (CDPH) may waive any of the licensing requirements of Chapters 1, 2, 8, and 8.5 of Division 2 of the Health and Safety Code and accompanying regulations with respect to any hospital, clinic, other health facility, home health agency, or hospice agency identified in Health and Safety Code sections 1200, 1250, 1727, or 1746 that is impacted by the Line Fire. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to remain open while protecting public health and safety. Any health facilities or agencies being granted a waiver shall be established and operated in accordance with their disaster and mass casualty plan or emergency preparedness plan. Any waivers granted pursuant to this paragraph shall be posted on the CDPH website and shall be in effect only so long as necessary to address the direct impacts of the Line Fire in San Bernardino County.

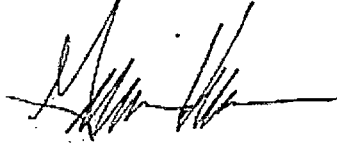
7. In order to directly respond to the needs of impacted adult and senior care facilities, child care facilities, children's residential facilities, resource family homes, home care organizations, and other similar care facilities and care providers within the California Department of Social Services' (CDSS) jurisdiction, the Director of CDSS may waive any provisions of the Family Code, Health and Safety Code, or Welfare and Institutions Code, and accompanying regulations or written directives, with respect to the use, licensing, certification, registration or approval of care providers, facilities or homes within CDSS jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1500 et seq.), Child Care Provider Registration (Health and Safety Code section 1596.60 et seq.), the California Child Day Care Facilities Act (Health and Safety Code section 1596.70 et seq.), Residential Care Facilities for Persons With Chronic Life-Threatening Illness (Health and Safety Code section 1568.01 et seq.), the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.), Medical Foster Homes for Veterans (Health and Safety Code section 1568.21 et seq.), Continuing Care Contracts (Health and Safety Code section 1770 et seq.), the Home Care Services Consumer Protection Act (Health and Safety Code section 1796.10 et seq.), and the Resource Family Approval Program (Welfare and Institutions Code section 16519.5 et seq.). Any waivers granted pursuant to this paragraph shall be posted on the CDSS website and shall be in effect only so long as necessary to address the direct impacts of the Line Fire in San Bernardino County.
8. In order to directly respond to the needs of behavioral health programs and facilities impacted by the Line Fire, including alcohol and other drug programs, adult alcoholism or drug abuse recovery or treatment facilities, driving-under-the-influence programs, narcotic treatment programs, psychiatric health facilities, mental health rehabilitation centers, social rehabilitation programs, skilled nursing facilities with special treatment programs, Lanterman-Petris-Short designated facilities, community treatment facilities, short term residential therapeutic programs, and children's crisis residential programs, the Director of the Department of Health Care Services (DHCS) may waive any licensing, certification, or approval requirements for such programs under its jurisdiction set forth in Welfare and Institutions Code, Divisions 4, 5 and 9 and in Health and Safety Code, Divisions 2 and 10.5, and accompanying regulations, written standards, or information notices. Any waivers granted pursuant to this paragraph shall be posted on the DHCS website and shall only be in effect so long as necessary to address the direct impacts of the Line Fire in San Bernardino County.
9. Health and Safety Code sections 103525.5 and 103625, and Penal Code section 14251, requiring the imposition of fees, are suspended with regard to any request for copies of certificates of birth, death, marriage, and dissolution of marriage records, by any individual who loses such records as a result of the Line Fire in San Bernardino County. Such copies shall be provided without charge.

I FURTHER DIRECT that as soon as hereafter possible, this Proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Proclamation.

This Proclamation is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the

State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 7th day
of September 2024.

A handwritten signature in black ink, appearing to read 'Gavin Newsom', written over a horizontal line.

GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH. D
Secretary of State

ATTACHMENT 3

SAN BERNARDINO COUNTY

STATE OF CALIFORNIA

PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY
(By Director of Emergency Services)

WHEREAS, California Government Code section 8630 and San Bernardino County Code section 21.0101 et seq. empower the Chief Executive Officer of San Bernardino County to proclaim the existence or threatened existence of a local emergency when San Bernardino County is affected or likely to be affected by a public calamity and the Board of Supervisors is not in session; and

WHEREAS, the Chief Executive Officer of San Bernardino County does hereby find:

WHEREAS, in the evening of September 5, 2024, a vegetation fire, referred to as the "Line Fire," occurred within the boundaries of San Bernardino County, posing a threat to lives, property, and the environment within San Bernardino County communities; and

WHEREAS, as of September 7, 2024, the National Weather Service has forecasted excessive heat warnings through the weekend, until September 9, 2024, at temperatures as high as 107 degrees Fahrenheit; and

WHEREAS, the Line Fire has rapidly spread, necessitating evacuations warnings and orders issued by the San Bernardino County Sheriff-Coroner-Public Administrator, and the Line Fire is an ongoing threat to San Bernardino County communities; and

WHEREAS, on September 7, 2024, human sheltering was opened at the Immanuel Baptist Church, 28355 Baseline Street, in the City of Highland, California; and

WHEREAS, on September 7, 2024, large animal sheltering was established at the Devore Animal Shelter, 19777 Shelter Way, in the City of San Bernardino, California; and

WHEREAS, as of September 7, 2024, the Line Fire had burned over 7,000 acres with 0% containment; and

WHEREAS, the rapid spread of the fire has necessitated immediate action to protect the safety and well-being of San Bernardino County residents and to mitigate further damage; and

WHEREAS, the Board of Supervisors of San Bernardino County is not in session and cannot immediately be called into session;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency exists within San Bernardino County; and

IT IS FURTHER PROCLAIMED AND ORDERED that as of this date all San Bernardino County departments and agencies take those actions, measures, and steps deemed necessary to assure the safety and welfare of County residents and property, including requesting mutual aid to the extent such aid is necessary, and during the existence of said local emergency the powers and duties of the emergency organization of the County shall be those prescribed by State law, by charter, ordinances, and resolutions of this County, and by the current San Bernardino County Emergency Plan, as approved by the Board of Supervisors.

IT IS FURTHER PROCLAIMED AND ORDERED that this local emergency be ratified by the County Board of Supervisors in accordance with section 8630 of the California Government Code.

IT IS FURTHER PROCLAIMED AND ORDERED that said local emergency shall be deemed to continue to exist until its termination is proclaimed by the Board of Supervisors or it is terminated by operation of law.

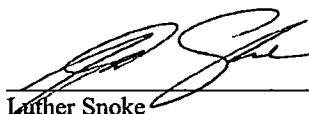
IT IS FURTHER PROCLAIMED AND ORDERED that a copy of this proclamation be forwarded to the Governor of California.

IT IS FURTHER PROCLAIMED AND ORDERED that the San Bernardino County Director of Emergency Services and the County Chief Executive Officer shall be entitled to sign and transmit an electronic signature of this Proclamation (whether by facsimile, PDF, or other mail transmission), which signature shall be binding on the party whose name is contained therein.

IT IS FURTHER ORDERED that a copy of this proclamation be forwarded to the Director of the California Governor's Office of Emergency Services.

Dated: 9/7/24

Time of Signing: 6:15 pm



Luther Snoke
Director of Emergency Services,
San Bernardino County, and
Chief Executive Officer,
San Bernardino County

ATTACHMENT 4

RESOLUTION NO. 2024-0XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, RATIFYING A PROCLAMATION OF A LOCAL EMERGENCY IN THE CITY OF HIGHLAND ISSUED BY THE CITY'S DIRECTOR OF EMERGENCY SERVICES ON SEPTEMBER 11, 2024, AS A RESULT OF THE LINE FIRE

WHEREAS, Section 2.44.060 of the Highland Municipal Code ("HMC") authorizes the City Council to proclaim the existence of a "Local Emergency" and delegates such authority to the City's Director of Emergency Services if the City Council is not in session; and

WHEREAS, on the evening of Thursday, September 5, 2024, the Line Fire broke out in Highland. Over the weekend, the fire intensified and is currently over 34,600 acres in size and is only 14% contained; and

WHEREAS, the Line Fire is currently causing conditions of extreme peril to the safety of persons and property within the City of Highland and has resulted in the evacuation warnings for parts of the City; and

WHEREAS, on September 7, 2024, the County of San Bernardino proclaimed a local emergency as a result of the Line Fire; and

WHEREAS, on September 7, 2024, Governor Newsom proclaimed a State of Emergency in San Bernardino County as a result of the Line Fire and announced that California has secured a Fire Management Assistance Grant from the Federal Emergency Management Agency (FEMA) to help ensure the availability of vital resources to suppress the fire; and

WHEREAS, HMC Section 2.44.060 designates the City Manager, as Director of Emergency Services, to proclaim the existence or threatened existence of a local emergency when the City Council is not in session, subject to ratification by the City Council within seven days; and

WHEREAS, September 11, 2024, the City Manager, in his capacity as Director of Emergency Services, duly and reasonably proclaimed the existence of a local emergency in the City of Highland on that date due to the Line Fire; and

WHEREAS, CMC Section 2.44.060(A) states that the City Council shall take action to ratify the proclamation of the Director of Emergency Services within seven (7) days thereafter or the proclamation shall have no further force and effect.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AS FOLLOWS:

Section 1. The City Council does hereby find that the aforesaid conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency by the Director of Emergency Services on September 11, 2024, due to the Line Fire.

Section 2. The local emergency shall be in effect from and including September 11, 2024, until such time that the City Council determines that the emergency conditions have been abated.

Section 3. The City Council shall review this proclamation of local emergency at least once every sixty (60) days until the City Council terminates the local emergency.

Section 4. During the existence of this local emergency the powers, functions, and duties of the emergency organization of the City of Highland shall be those prescribed by applicable statutes, ordinances, and resolutions, and by the City's Emergency Operations Plan.

PASSED, APPROVED AND ADOPTED on the 12th day of September 2024.

Penny Lilburn
Mayor

ATTEST:

Alondra Muñoz
City Clerk