



# Agenda Report

March 3, 2025

**TO:** Honorable Mayor and City Council

**FROM:** Planning & Community Development Department

**SUBJECT: APPROVAL OF A MEMORANDUM OF UNDERSTANDING WITH THE COUNTY OF LOS ANGELES FOR ADMINISTRATION OF THE RIGHT OF ENTRY (ROE) PROGRAM REQUIRED FOR THE PHASE 2 PRIVATE PROPERTY DEBRIS REMOVAL PROGRAM**

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Find that the action proposed herein are not a project and otherwise exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Sections 15378(b)(5), 15269(c), and 15061(b)(3);
2. Authorize the City Manager to enter into a Memorandum of Understanding, with the County of Los Angeles for administration of the Right of Entry (ROE) Program required for the Phase 2 Private Property Debris Removal Program; and
3. The proposed memorandum of understanding is exempt from competitive bidding, pursuant to City Charter, Section 1002 (H), and Pasadena Municipal Code, Section 4.08.049 (A)(3), contracts with other government entities.

## **BACKGROUND:**

As a result of the Eaton Fire, the City Council passed Resolution 10109 on January 13, 2025, ratifying the Declaration of Local Emergency due to the Wind and Fire Emergency.

On January 15, 2025, an emergency City Council meeting was held to consider whether the City of Pasadena would join the County of Los Angeles to opt-in to the Federal Emergency Management Agency (FEMA) Disaster Mitigation Program related to fire-debris removal and mitigation. The City Council recognized, given the scale of the

unprecedented disaster, the response and recovery efforts reach beyond local resources, requiring assistance from our government partners. As part of the federal assistance, FEMA authorized federal assistance for the removal of debris for private property. The private property debris removal program (PPDR) requires the state and local agencies to comply with certain federal laws, regulations and guidelines related to disaster recovery and public assistance.

The County of Los Angeles was identified by United States Army Corp. of Engineers (USACE) as the lead agency responsible for administering the Right of Entry (ROE) program for the PPDR program. The County has contracted with Tetra Tech BAS, Inc. (Tetra Tech) to collect, review and transmit ROEs to USACE on behalf of the cities of Los Angeles, Malibu, Sierra Madre, and Pasadena in addition to the County of Los Angeles. The ROE administration includes collecting property owner consent for Phase 2 debris removal, defining the scope of work, validating ownership, collecting insurance information, and transmitting complete and accurate forms to the United States Army Corp. of Engineers for the completion of Phase 2 debris removal.

Phase 2 recovery work is moving forward at an unprecedented speed; the United States Army Corp. of Engineers anticipates Phase 2 debris removal will be completed by January 2026. ROE applications became available on January 28, 2025. To date, 137 ROEs have been collected from Pasadena property owners and 25 ROEs have been approved and transmitted to the USACE. There have been 4 opt-out forms received for property owners electing not to participate in the USACE Phase 2 PPDR program.

### **ANALYSIS:**

The MOU establishes the City and County agreement that the County will administer the ROE program to collect, verify, and transmit ROEs to the USACE. The MOU is related only to administration of the Phase 2 private property debris removal and is between the City of Pasadena and the County of Los Angeles only. The County is entering into MOUs with each participating City. The MOU is recommended to confirm legal authority for the County to process ROEs submitted by Pasadena residents and to make ROE administration costs reimbursable per FEMA requirements.

#### **City Responsibilities**

Under the MOU the City has the responsibility to pay for the City's pro-rata share of costs for administration of the opt-in program based upon the same formula as all other jurisdictions. The City's cost is only for the sites that choose to opt-in within the City of Pasadena.

The City's cost share shall be determined by the following method of calculation: total number of opt-in properties located in the City divided by the total number of opt-in properties for all jurisdictions multiplied by the total cost of administering the program. It is not known at this time how many properties are opting in for Pasadena or the total opt-in parcels within the entire program. It is also not known what the total administrative cost would be. The Tetra-Tech contract is for \$10,600,000. Based on

currently available information, it is estimated that the cost to the City would be less than \$250,000. However, costs may exceed \$250,000 and the City will be responsible for pro-rate share of administrative costs under the MOU. It is anticipated ROE expenses will be eligible for FEMA reimbursement.

For opt-out sites, the City is administering its own program. That program is not part of this MOU.

### County Responsibilities

The MOU contains several County responsibilities related to the administration of the program, including accepting and transmitting forms, collection from insurance companies, providing the City access to the ROEs, agreement on the provision of documents for any eligible reimbursement to the City, and the right of the City to participate with local, State and Federal agencies as it relates to the ROE program.

The following provisions were negotiated to minimize potential impacts to the community related to the debris removal:

- The City and County will work together on aspects of debris removal, including but not limited to haul routes and hours, construction hours for the debris removal, and notification to the City and the opt-in properties;
- The County will ensure that the best management practices for watershed protection and environmental protection measures during debris removal and transport are followed;
- The County shall notify the City about meetings with state and federal agencies about debris removal so the City may request to participate in those meetings; and
- The County will create and maintain data access and provide real-time updates to the City, including application status reports by parcel, date the ROE is received, date the ROE is reviewed, details on missing information or documents, case manager contact, etc., for City opt-in properties.

### **COUNCIL POLICY CONSIDERATION:**

The project is consistent with the City Council's strategic planning goals to ensure public safety and to promote the quality of life and the local economy.

### **ENVIRONMENTAL ANALYSIS:**

The action is an agreement between two agencies about administration of a Right of Entry program and is not a project under the California Environmental Quality Act

("CEQA") pursuant to State CEQA Guidelines Sections 15378(b)(5), organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and Sections 15269(c), specific actions necessary to prevent or mitigate an emergency including, and 15061(b)(3), the "common-sense" exemption for activities that do not have the potential for causing a significant effect on the environment.

**FISCAL IMPACT:**

For costs related to this MOU, the fiscal impact is anticipated to be less than \$250,000 and will be submitted for FEMA reimbursement.

It should be noted, that as previously presented to the City Council, the cost of Phase 2 PPDR removal is a separate expense apart from the administration costs addressed in this MOU. FEMA is covering 100% of the cost of Phase 2 PPDR program for the first 180 days. Should the Phase 2 PPDR program extend beyond 180 days, the City is responsible for up to 6.25% of the cost of the Phase 2 debris removal being carried out by the USACE.

Respectfully submitted,



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