

RESOLUTION NO. 46-2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA RATIFYING THE PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY AT THE SEWER MAIN LOCATED NEAR 700 PALMETTO AVENUE

WHEREAS, Section 4-2.05 of the City of Pacifica Municipal Code ("PMC") designates the City Manager as the Director of Emergency Services; and

WHEREAS, Government Code section 8630 and PMC section 4-2.05(a) empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when said city is affected or likely to be affected by an emergency, subject to ratification by the City Council; and

WHEREAS, Section 4-2.02 of the PMC defines "emergency" as the "actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City caused by such conditions as earthquake, hazardous materials, plane crash, landslide, tsunami, epidemic, flood, riot, fire, or other conditions, including conditions resulting from a labor controversy, which conditions are or are likely to be beyond the capability of control of the services, personnel, equipment, and facilities of this City, requiring the combined forces of other political subdivisions to combat"; and

WHEREAS, Section 4-2.01 et seq. of the Pacifica Municipal Code empowers the 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 confirmation by the City Council; and

WHEREAS, the City Manager is the Director of Emergency Services of the City of Pacifica; and

WHEREAS, on Monday, Thursday, August 5, 2021, the Department of Public Works Wastewater Division staff, while conducting routine maintenance on the 12-inch sewer main near 700 Palmetto Avenue, discovered an approximately eighty-foot section of the 12-inch sewer main to be damaged and in danger of collapsing; and

WHEREAS, collapse of the damaged sewer main would create a hazardous condition including potential Sanitary Sewer Overflows and threaten the safety of persons and property, including critical public infrastructure; and

WHEREAS, the City Manager has determined that the damaged sewer main threatens the health and safety of persons and properties, including critical public infrastructure, and requires immediate attention and repair and as such constitutes an emergency pursuant to Pacifica Municipal Code section 4-2.02 and Public Contract Code section 1102; and

WHEREAS, such conditions are or are likely to be beyond the handling capability of the City's services, personnel, equipment, and facilities, requiring the use of outside contractors to conduct emergency repair pursuant to Pacifica Municipal Code section 3-15.09 without giving notice for bids to let contract, pursuant to Public Contract Code 22050; and

WHEREAS, on August 12, 2021, the City Manager, in his capacity as Director of Emergency Services, proclaimed the existence of local emergency in the City of Pacifica, after determining that the damaged condition of the 12-inch sewer main at 700 Palmetto Avenue is likely to create conditions of disaster or extreme peril which will be beyond the services, personnel and equipment and facilities of the City; and

WHEREAS, in accordance with Government Code section 8630 and PMC section 4-2.05(a) the City Council must take action to confirm the proclamation within 7 days and in accordance with Public Contract Code section 22050 which requires confirmation by 4/5 vote of the City Council within 14 days of the emergency action.

NOW, THEREFORE, BE IT RESOLVED that said Proclamation of Existence of Local Emergency, as issued by said City Manager in his capacity as Director of Emergency Services, which is attached hereto as Attachment "A", is hereby ratified and approved by the City of Pacifica City Council.

BE IT FURTHER RESOLVED that said local emergency is confirmed to exist and shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Pacifica.

BE IT FURTHER RESOLVED that during the existence of this local emergency, the powers, functions and duties of the Director of Emergency Services, and the emergency organization of the City of Pacifica shall be those prescribed by state law, by the existing ordinances and resolutions of the City of Pacifica, as well as this resolution and any subsequent emergency orders of the City Council.

.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on the 23rd day of August 2021, by the following vote:

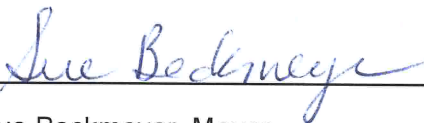
AYES, Councilmembers: Beckmeyer, Bier, Bigstyc, O'Neill, Vaterlaus.

NOES, Councilmembers: n/a.

ABSENT, Councilmembers: n/a.


ABSTAIN, Councilmembers: n/a.

CITY OF PACIFICA



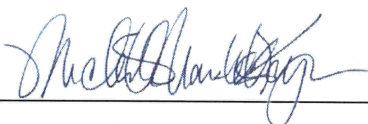
Sue Beckmeyer, Mayor

ATTEST:



Sarah Coffey, City Clerk

APPROVED AS TO FORM:



Michelle Marchetta Kenyon, City Attorney

ATTACHMENT A

PROCLAMATION OF LOCAL EMERGENCY

WHEREAS, Section 4-2.01 *et seq.* of the Pacifica Municipal Code empowers the 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 confirmation by the City Council at the earliest possible time; and

WHEREAS, the City Manager is the Director of Emergency Services of the City of Pacifica; and

WHEREAS, on Thursday, August 5, 2021, Public Works Wastewater Division was conducting routine maintenance on the 12-inch sewer main near 700 Palmetto Avenue; and

WHEREAS, during the routine maintenance, the Public Works Wastewater Division staff discovered approximate an eighty feet section of the 12-inch sewer main to be sagging and corroded; and

WHEREAS, upon further investigation that the damaged to the 12-inch sewer main is in danger of collapsing which would create a hazardous condition including potential Sanitary Sewer Overflows and threaten the safety of persons and property, including critical public infrastructure; and

WHEREAS, such conditions are or are likely to be beyond the handling capability of the City's services, personnel, equipment, and facilities, requiring the use of outside contractors to conduct emergency repair; and

WHEREAS, the City provides this written notification to the San Mateo County and State CalEMA's Regional and Headquarter offices of a proclamation of local emergency; and

WHEREAS, such proclamation shall be subject to confirmation by the Pacifica City Council at the earliest possible time.

NOW, THEREFORE, BE IT PROCLAIMED that, in accordance with State Law and the City of Pacifica Municipal Code, the Director of Emergency Services proclaims the existence of a local emergency along 700 Palmetto Avenue.

DATED: August 12, 2021

By: 

Kevin Woodhouse
Director of Emergency Services