

## Attachment "2"

### PROCLAMATION NO. 2024-01

#### A PROCLAMATION OF THE DIRECTOR OF EMERGENCY SERVICES DECLARING A LOCAL EMERGENCY PURSUANT TO CHAPTER 7 OF THE ESCONDIDO MUNICIPAL CODE

WHEREAS, pursuant to Chapter 7 of the Escondido Municipal Code, and specifically Section 7-6(a)(1), the City Manager, in his role as the Director of Emergency Services ("Director"), is authorized to issue a proclamation of the existence or threatened existence of an emergency when the City Council is not in session; and

WHEREAS, at the time of this Proclamation, the City Council has adjourned to their next regular scheduled session notice for May 8, 2024; and

WHEREAS, on April 16, City staff was notified by staff from the San Elijo Joint Powers Authority ("SEJPA") and the San Elijo Lagoon Nature Center that water was collecting on the ground in an area where the City's Land Outfall is located. The area is near the Nature Center at the northern border of the San Elijo Lagoon Ecological Reserve, west of Interstate 5 and south of Manchester Road. City staff responded immediately to assess the situation. Water samples were collected and taken to the laboratory to determine the likely source of the water. Laboratory tests results were consistent with the quality of the secondary effluent from the HARRF, indicating that there is a leak on the Land Outfall; and

WHEREAS, water from the leak is currently confined in the area of the Nature Center near Manchester Avenue and has not gone into the San Elijo Lagoon. This portion of the Land Outfall is under pressure and City staff are concerned that the situation could escalate into a catastrophic failure if not addressed quickly. In the area of the suspected leak, the pipe is approximate 16 feet deep and 25 feet off of the roadway in sensitive habitat, making access extremely difficult and beyond the means of City staff and equipment; and

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WHEREAS, City Utilities staff have met with a contractor who is available for immediate mobilization to assess the conditions and provide a quote for the work. A contract for repairs will be presented to you for approval; and

WHEREAS, on April 19, 2024, given the urgency of the matter, the Director made certain findings of an emergency and approved under his authority the initiation of efforts to secure a contractor available and competent to perform needed repairs on the pipeline; and

WHEREAS, since April 19, 2024, Utilities staff have further evaluated the circumstances of the finalized the scope of work for the emergency repairs on the City's Land Outfall. The scope has been provided to the contractor, who is preparing a cost estimate and a repair contract is anticipated. Utilities staff continue to coordinate with staff from the SEJPA, the San Diego Regional Water Quality Control Board ("Regional Board"), San Diego Gas & Electric ("SDG&E"), Army Corps of Engineers, Department of Fish and Wildlife, County of San Diego, City of Encinitas, San Elijo Nature Center and the Nature Collective; and

WHEREAS, as required over the past week by the Regional Board, Utilities staff: prepared and submitted a report of non-compliance for National Pollutant Discharge Elimination System ("NPDES") permit violation; is preparing to perform a pre-disturbance damage assessment of the anticipated affected area due to both the seepage of the Land Outfall within the San Elijo Nature Center and the proposed construction associated with repairing the Land Outfall; and, are continuing to collect and test water samples prior to next steps; and

WHEREAS, the proposed construction approach will allow the City's Hale Avenue Resource Recovery Facility ("HARRF") to remain fully operational throughout the duration of construction, while minimizing environmental impacts. In addition, the proposed construction method will minimize impacts

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to the residents of the City of Encinitas, the San Elijo Nature Center, and the public. It is City staff's goal to mobilize the contractor as expeditiously as possible, while ensuring that appropriate regulatory agency requirements are met; and

WHEREAS, in light of the initial information regarding water collection potentially related to the outfall pipeline and thereafter, additional information learned since April 19, 2024, the Director believes that this emergency repair is necessary to avoid danger to life or damage to property and permit the continued safe operation of the Escondido Land Outfall and further, any delay to procurement, including those competitive construction contract procurement provisions in state law and the Escondido Municipal Code, will substantially delay the containment of the seepage and completion of such repair and the protection of persons and property. Given the significant and immediate risk, the Director believes the emergency will not permit a delay resulting from a competitive solicitation for bids.

NOW, THEREFORE, BE IT PROCLAIMED by the Director of Emergency Services of the City of Escondido, California, as follows:

1. That the above recitations are true and correct.
2. That a local emergency currently exists, and has existed since on or about April 16, 2024, in the City of Escondido and its related extra-jurisdictional property and infrastructure, due to an apparent leak or failure of the City outfall pipeline.
3. The instant emergency requires immediate repair of the outfall pipeline and compliance with competitive procurement laws to secure a competent and available contractor will delay the necessary repairs placing life and property at imminent risk.

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4. That said emergency proclamation shall expire seven (7) days after issuance unless confirmed and ratified by the City Council of the City of Escondido.

Dated: \_\_\_\_\_

4/25/24

By: \_\_\_\_\_



Sean McGlynn  
City Manager and  
Director of Emergency Services