

RESOLUTION NO. 2024-52

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, RATIFYING THE PROCLAMATION OF A LOCAL EMERGENCY BY THE DIRECTOR OF EMERGENCY SERVICES AND AUTHORIZING THE CITY MANAGER TO EXECUTE, ON BEHALF OF THE CITY, EMERGENCY REPAIR OF THE LAND OUTFALL

WHEREAS, the City Council recognizes that a section of the City's Land Outfall pipeline is at risk of an imminent, catastrophic failure; and

WHEREAS, pursuant to Chapter 7 of the Escondido Municipal Code, the City Manager serves as the Director of Emergency Services ("Director") and in that role is authorized to proclaim a local emergency and take such actions as are necessary to preserve life and property in the case of an emergency including but not limited to the execution of such contracts and the procurement of services necessary to respond to the emergency; and

WHEREAS, pursuant to Escondido Municipal code § 10-80, in the case of public exigency or an emergency as defined in Government Code § 8558, the City may dispense with competitive procurement for the purchase of goods and services for the duration of the exigency or emergency and such purchases may be made under the direction of the City Council or Director acting pursuant to a declared emergency or public exigency pursuant to chapter 7 of the Escondido Municipal Code; and

WHEREAS, the Interim Director of Utilities, in consultation with the Director, has determined that the failure of the Land Outfall pipeline constitutes an immediate risk to the health of the public and the continued services of the sewer system, requiring immediate action that will not permit delay that would result from a competitive bidding process; and

WHEREAS, pursuant to Chapter 7, the City Council must ratify the Director's emergency proclamation within 7 days when not in session at the time of the emergency; and

WHEREAS, the City Council finds that the Director on April 25, 2024 was authorized to and did in fact issue a Proclamation of local emergency, Proclamation No. 2024-01, of the existence or threatened existence of an emergency when the City Council was not in session; and

WHEREAS, pursuant to the Public Contract Code, the City Council must further review such emergency actions at its next regularly scheduled meeting and determine by a four-fifths vote whether there is a need to continue the action; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to ratify the Director's proclamation of local emergency and further accept the recommendations of the Director and Interim Director of Utilities to engage in immediate contracting to secure the repair of the Land Outfall pipeline by dispensing with state and local law procurement requirements.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. That the Director of Emergency Services had authority to, and did in fact properly, issue Proclamation No. 2024-01 on April 25, 2024, declaring a local emergency in the City of Escondido relating to its Land Outfall pipeline pursuant to Chapter 7 of Escondido Municipal Code and state law.
3. That the Mayor and City Council further accept the determination by the Interim Director of Utilities that the failure of the Land Outfall pipeline is a public health and safety

emergency occurring while the City Council was not in session; that this emergency required immediate action in the procurement of a contractor to perform the necessary emergency work to abate the public health and safety condition; that a delay caused by procurement through a competitive bidding process would not be in the best interests of the public; and that the proposed action and expenditure is necessary to respond to the emergency requiring immediate repair of the Land Outfall pipeline.