

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA PURSUANT TO CHAPTER 2.14 OF THE CHULA VISTA MUNICIPAL CODE RATIFYING THE PROCLAMATION OF EXISTENCE OF LOCAL EMERGENCY OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF CHULA VISTA

WHEREAS, on September 11, 2014, the City of Chula Vista (“City”) and Allied Waste Systems, Inc., a subsidiary of Republic Services, Inc. and doing business as Republic Services of Chula Vista (“Republic”) entered into an amended and restated solid waste collection, recycling, and disposal franchise agreement granting Republic an exclusive franchise to collect and dispose of solid waste and recyclables from residential, commercial, and industrial sites within the City (“Agreement”); and

WHEREAS, on or about December 17, 2021, Republic notified the City that collection operations in the City would be impacted due to a work stoppage by Republic’s employees; and

WHEREAS, the City is aware of approximately 526 emails and approximately 408 phone calls reporting the overflow of trash and recyclables since December 20, 2021; and

WHEREAS, the City is aware that food, yard waste, and recyclables are being comingled and treated as trash, that excess trash is creating pest infestations, and that overflowing trash, recyclables and organic waste are contaminating city streets and storm drains; and

WHEREAS, the City is aware that industrial and construction services are being negatively impacted by the lack of disposal services and failure to deliver new bins; and

WHEREAS, the City is aware that residents are disposing of waste and recyclables at City facilities and parks, that all 1,010 trash receptacles at City parks and all Public Works Operation Yard receptacles are at capacity and overflowing, and that no collection or disposal service is being provided to larger capacity dumpsters or the City Hall complex; and

WHEREAS, as a result of Republic’s failure to collect, pick up, remove and dispose of solid waste and recyclables, solid waste and recyclable materials have accumulated and will continue to accumulate throughout the City at residences, businesses, and in the streets, creating conditions of extreme peril to the health and safety of persons and property within the City; and

WHEREAS, Section 2.14.080(A) of the Chula Vista Municipal Code authorizes the Director of Emergency Services to issue a proclamation of the existence or threatened

existence of a local emergency in the City of Chula Vista if the City Council is not in session; and

WHEREAS, on January 12, 2022, the City Council was not in session; and

WHEREAS, on January 12, 2022, the Director of Emergency Services issued a proclamation of the existence or threatened existence of a local emergency in the City of Chula Vista as a result of the immediate need to remediate and abate the accumulation of uncollected solid waste and recyclable materials, and other violations of state and local law, throughout the City in the interest of public health and safety; and

WHEREAS, whenever a local emergency is proclaimed by the Director of Emergency Services, Chula Vista Municipal Code Section 2.14.080(A) requires that the City Council shall take action to ratify the proclamation at their next regularly scheduled Council meeting held after the date of the proclamation, or the proclamation shall have no further force or effect unless terminated sooner by the City Council at a special meeting called by Council for that purpose; and

WHEREAS, the January 18, 2022 meeting of the City Council is the next regularly scheduled Council meeting held after the date of the January 12, 2022 proclamation issued by the Director of Emergency Services; and

WHEREAS, a special meeting of the City Council has been called for January 14, 2022; and

WHEREAS, as a result of the existence of and threatened existence of conditions of extreme peril to the health and safety of persons and property within the City, it is necessary to exercise the City Council's authority pursuant to Section 2.14.080 to ratify the actions of the Director of Emergency Services related to the protection of the public health and safety.

NOW, THEREFORE, based on the facts and circumstances set forth above, the City Council of the City of Chula Vista hereby resolves as follows:

1. The Proclamation of the Existence of a Local Emergency of the Emergency Services Director of the City of Chula Vista City of Chula Vista Director of Emergency Services ("Proclamation"), attached hereto as Attachment A, is hereby ratified.
2. It is hereby proclaimed that a local emergency now exists throughout the City. It is further proclaimed and ordered that during the existence of this local emergency, the powers, functions, and duties of the Director of Emergency Services and the emergency organization of this City shall be those prescribed by state law, the City Charter, and ordinances and resolutions of the City,

including without limitation the provisions of Chula Vista Municipal Code sections 1.30.030 and 2.14.080, and the authority to temporarily suspend or accelerate the enforcement of City Municipal Code requirements, regulations or contracts subject to applicable law.

3. The City Council authorizes the City Manager, in her capacity as the Director of Emergency Services, to take all actions related to the protection of life and property that are reasonably necessary to respond to the local emergency caused by the accumulation of solid waste, including without limitation organic waste, and recyclables throughout the City.
4. The local emergency shall be deemed to continue and exist until February 18, 2022, unless otherwise extended or terminated by the City Council or City Manager, whichever occurs first.
5. If any section, subsection, sentence, clause or phrase of this Resolution or the Proclamation ratified herein is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution or the Proclamation. The City Council hereby declares that it would have passed this Resolution and the Proclamation and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of the resolution would be subsequently declared invalid or unconstitutional.

Presented by

Approved as to form by

Maria V. Kachadoorian
City Manager/Director of Emergency Services

Glen R. Googins
City Attorney