



# CITY COUNCIL STAFF REPORT



**January 14, 2022**

## **ITEM TITLE**

Ratification of the January 12, 2022 Proclamation of Existence of Local Emergency of the Director of Emergency Services of the City of Chula Vista and Report of the City Manager Regarding Status of Trash Service and Impacts on the Community

**Report Number:** 22-0053

**Location:** No specific geographic location

**Department:** City Manager

**Environmental Notice:** The activity is not a “Project” as defined under Section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required. Notwithstanding the foregoing, the activity also qualifies for an Exemption pursuant to Section 15061(b)(3) of the California Environmental Quality Act State Guidelines.

## **Recommended Action**

Hear the report of the City Manager regarding the status of trash service and its impacts on the community, and adopt a resolution ratifying the January 12, 2022 Proclamation of Existence of Local Emergency of the Director of Emergency Services of the City of Chula Vista

## **SUMMARY**

From December 17, 2021 to the present, Republic Services has been unable to fully perform its obligation to collect and dispose of all solid waste and recyclables accumulated within the City in accordance a franchise agreement between the City and Republic Services. As a result, trash, organic waste, and recyclables have accumulated throughout the City. The proposed resolution ratifies the January 12, 2022 Proclamation of the Existence of a Local Emergency of the Director of Emergency Services of the City of Chula Vista as a result of the present threat to public health and safety and immediate need to remediate and abate the accumulation of uncollected solid waste, organic waste, and recyclables.

## **ENVIRONMENTAL REVIEW**

The proposed activity has been reviewed for compliance with the California Environmental Quality Act (CEQA) and it has been determined that the activity is not a “Project” as defined under Section 15378 of the state CEQA Guidelines because it will not result in a physical change in the environment; therefore, pursuant

to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. Notwithstanding the foregoing, it has also been determined that the activity qualifies for an Exemption pursuant to Section 15061(b)(3) of the California Environmental Quality Act State Guidelines. Thus, no environmental review is required.

## **BOARD/COMMISSION/COMMITTEE RECOMMENDATION**

Not applicable.

## **DISCUSSION**

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”).

On December 17, 2021, the City of Chula Vista was officially notified by Republic that collection operations in the City would be impacted due to a work stoppage by Republic employees, which resulted in limited trash collection and a pause in recyclable material, organic waste and bulky item collection. From December 17, 2021 to the present, Republic has been unable to fully perform its obligation to collect, pick up, remove and dispose of all solid waste and recyclables accumulated on property within the City in accordance with the collection times and frequency specified in the Agreement.

The City is aware of approximately 526 emails and approximately 408 phone calls reporting the overflow of trash and recyclables since December 20, 2021. The emails and phone calls consisted of reports from concerned residents and businesses representatives who did not receive collection services and were experiencing waste overflow. The City is also aware that food, yard waste and recyclables are being comingled and treated as trash, and that excess uncollected waste is exacerbating pest infestations and contaminating city streets and storm drains. Industrial and construction services are also being negatively impacted by the lack of disposal services and failure to provide and service bins.

In addition, City facilities have been heavily impacted as residents dispose of waste and recyclables in parks, recreation centers, and City offices. Trash receptacles at City parks and all large capacity bins at the Public Works Operations yard and the City Hall complex have been at capacity and overflowing.

As a result of Republic’s failure to collect, pick up, remove, and dispose of solid waste and recyclables, the City has experienced an unsustainable accumulation of this material at residences, businesses and in the streets, creating conditions of extreme peril to the health and safety of persons, property and the natural environment within the City.

Section 2.14.80(A) of the Chula Vista Municipal Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency in the City of Chula Vista if the City Council is not in session. 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, the City’s Director of Emergency Services issued a proclamation of the existence of a local emergency on January 12, 2022 (“Proclamation”).

The Proclamation confirms that the functions and duties of the City Disaster Council and Director of Emergency Services 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. As a result of the Proclamation, the City Manager or Purchasing Agent is additionally authorized to secure in the open market immediate purchases of supplies, equipment, or contractual services during the emergency in accordance with Chula Vista Municipal Code section 2.56.100.

At this time, the City anticipates that its initial steps to address the emergency will include setting up a dedicated phone number and email address for the public to report trash overages at multi-family and commercial properties. These reports will be forwarded to the City's Department of Community Services, who will deploy a team to pick up all of the overages and take it to the landfill. City will also consider utilizing outside services to assist in removing uncollected and accumulated trash, organic waste, and recycling materials and to provide containers at City facilities for the public to use for disposal activities. Such facilities would need be managed and monitored by City staff or outside services to prevent behaviors such as illegal dumping. City staff will continuously monitor and assess additional measures needed as a result of this ongoing public health emergency.

Chula Vista Municipal Code section 2.14.080(A) requires the City Council to take action to ratify the Proclamation at the next regularly scheduled Council meeting held after the date of the Proclamation, or the Proclamation will have no further force or effect. The special meeting being held on January 14, 2022 will take place prior to the next regularly scheduled Council meeting on January 18, 2022, which allows the City Council to ratify the Proclamation sooner. As contemplated by section 2.14.080(A), the Proclamation will be re-tendered for ratification by the Council at the next regularly scheduled Council meeting on January 18, 2022. The Proclamation, if ratified by City Council, shall expire at 5:00 p.m. on February 18, 2022 unless otherwise extended or terminated by the City Council or City Manager.

### **DECISION-MAKER CONFLICT**

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the real property holdings of the City Council members do not create a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.).

Staff is not independently aware, and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision-maker conflict of interest in this matter.

### **CURRENT-YEAR FISCAL IMPACT**

The subject resolution is anticipated to have a current-year impact to the General Fund; however, the details of such impact are currently unknown. Staff will report back to Council regarding funds expended in relation to the subject resolution.

### **ONGOING FISCAL IMPACT**

The subject resolution is unlikely to contribute in any significant way to ongoing fiscal impacts to the City.

## ATTACHMENTS

1. Resolution Ratifying Proclamation of the Existence of a Local Emergency
2. Attachment A: Proclamation of Existence of Local Emergency (January 12, 2022)