

**PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY
OF THE EMERGENCY SERVICES DIRECTOR
OF THE CITY OF CHULA VISTA**

Effective Date: January 12, 2022

WHEREAS, Section 2.14.080(A) of the Chula Vista Municipal Code empowers 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 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, 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 located within the City in accordance with the collection times and frequency specified in the Agreement; 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, Chula Vista Municipal Code section 2.56.100 authorizes the City Manager or Purchasing Agent to secure in the open market immediate purchases of supplies, equipment, or contractual services in the case of an emergency which poses an immediate threat to public health, safety, or welfare; and

WHEREAS, there is an 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

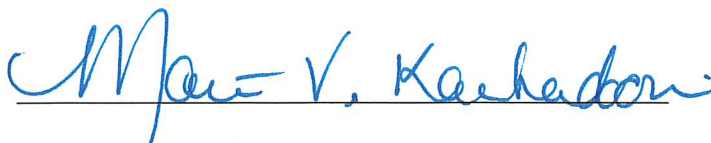
WHEREAS, the City Council of the City of Chula Vista is not in session at this time.

NOW THEREFORE, IT IS HEREBY PROCLAIMED by the Director of Emergency Services for the City of Chula Vista, based on the facts and circumstances set forth above, that a local emergency hereby exists throughout the City of Chula Vista effective as of January 12, 2022 at 5:00 p.m.

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency, the powers, 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.

This local emergency proclamation has been issued in accordance with applicable law and shall be submitted to City Council for ratification at their next regularly scheduled City Council meeting on January 18, 2022. Upon ratification of the City Council, this local emergency proclamation shall expire at 5:00 p.m. on February 18, 2022 unless otherwise extended or terminated by the City Council or City Manager.

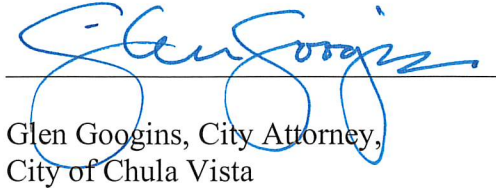
BY:



Maria V. Kachadoorian,
City Manager/Director of Emergency Services

Approved as to Form:

BY:



Glen Goggins, City Attorney,
City of Chula Vista