

RESOLUTION NUMBER R- 279384

ADOPTED ON FEB 05 1992

A RESOLUTION OF THE CITY OF SAN DIEGO
DECLARING THE EXISTENCE OF A STATE OF
EMERGENCY WITHIN SAID CITY RELATING TO THE
REPAIR OF THE POINT LOMA OUTFALL.

WHEREAS, on February 3, 1992, the presence of a break in the Point Loma Ocean Outfall (the "Outfall") was confirmed which constitutes an emergency impacting public health and safety; and

WHEREAS, the break in the Outfall, caused by the apparent settling of the ocean floor and wave action, affects approximately 500 feet of the 11,500 foot outfall and is located about 3000 feet from the treatment plant at a depth of approximately 35 feet; and

WHEREAS, the break in the Outfall has caused all effluent flowing out of the treatment plant to be discharged without diffusion in relatively shallow water and dangerously proximate to the shore, creating a hazard to public health and safety and to the marine environment; and

WHEREAS, the sound repair and continuing operation of the Outfall is of crucial importance to not only The City of San Diego (the "City"), but also those public entities (the "Participating Agencies") which contract with the City for the transportation, treatment, and disposal of their wastewater; and

WHEREAS, the City of San Diego and the Participating Agencies in the Metropolitan Wastewater System are entirely dependent on the continued operation of the Point Loma Wastewater Treatment Plant for their sewage treatment needs, such that any

discontinuance in its operation would jeopardize the health and safety of the entire Metropolitan region; and

WHEREAS, the City of San Diego has moved quickly to inform the County Department of Environmental Health Services as well as the Regional Water Quality Control Board of the Outfall break and has coordinated with them in an effort to safeguard public health and safety; and

WHEREAS, pursuant to section 8558(c) of the California Government Code, this break in the Outfall is "beyond the control of the services, personnel, equipment and facilities of the political subdivision" of The City of San Diego; and

WHEREAS, the City Manager of The City of San Diego, pursuant to the authority of the Charter of The City of San Diego and San Diego Municipal Code section 51.0106 has requested the Mayor and the City Council to proclaim that a state of local emergency exists; and

WHEREAS, pursuant to California Government Code section 8625(b), the Governor may be requested to proclaim a state of emergency in the area affected and make available any state or federal assistance to The City of San Diego; and

WHEREAS, pursuant to the San Diego City Charter sections 28 and 94, in the event of an emergency affecting public health and safety, the City Council may authorize the City Manager to enter into contracts requiring the expenditure of necessary sums on hand in the City Treasurer and available for necessary emergency repairs; NOW, THEREFORE,

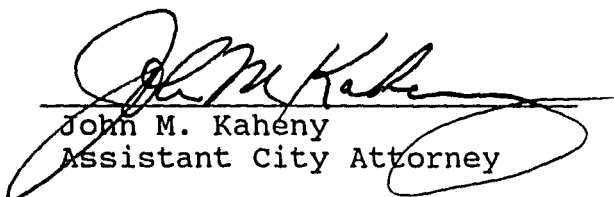
BE IT RESOLVED, by the Council of The City of San Diego, that the request by the City Manager to the Mayor and City Council to declare a state of local emergency pursuant to Section 51.0106 of the San Diego Municipal Code is hereby approved.

BE IT FURTHER RESOLVED, that pursuant to Section 8625(b) of the California Government Code and Section 51.0106a.2 of the San Diego Municipal Code, the Governor of California is hereby requested to proclaim a state of emergency in San Diego.

BE IT FURTHER RESOLVED, by the Council of The City of San Diego that the City Manager, pursuant to Charter sections 28 and 94, is hereby authorized and empowered to execute for and on behalf of said City, all necessary contracts for the emergency repair of the Point Loma Ocean Outfall as may be required, provided that sums sufficient for said contracts are certified by the City Auditor and Comptroller to be on deposit in the City Treasury and available for such purpose.

APPROVED: JOHN W. WITT, City Attorney

By


John M. Kaheny
Assistant City Attorney

MSS:JMK:skh:js
02/06/92
02/06/92 REV. 1
02/07/92 REV. 2
Or.Dept:Clerk
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Passed and adopted by the Council of The City of San Diego on FEB 05 1992 by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *Charles G. Abdelnour*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-279384* Adopted FEB 05 1992