



Legislation Details (With Text)

**File #:** 2021-914      **Version:** 1      **Name:**

**Type:** Consent      **Status:** Agenda Ready

**File created:** 11/17/2021      **In control:** City Council

**On agenda:** 12/7/2021      **Final action:**

**Title:** CONSIDER ADOPTING A RESOLUTION CONTINUING IN EFFECT THE PROCLAIMED LOCAL EMERGENCY RELATED TO THE DOMINGUEZ CHANNEL ODOR (CITY COUNCIL)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution No. 21-168, 2. Resolution No. 2021-147

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

**Report to Mayor and City Council**

Tuesday, December 07, 2021

Consent

**SUBJECT:**

**CONSIDER ADOPTING A RESOLUTION CONTINUING IN EFFECT THE PROCLAIMED LOCAL EMERGENCY RELATED TO THE DOMINGUEZ CHANNEL ODOR (CITY COUNCIL)**

**I. SUMMARY**

On October 25, 2021, the City Council ratified the proclamation of a local emergency related to the Dominguez Channel Odor pursuant to Resolution No. 21-147. Resolution No. 21-147 requires the City Council to review the continuing need for the proclaimed local emergency no less frequently than every 30 days until the proclaimed local emergency is terminated.

On November 16, 2021, the City Council adopted Resolution No. 21-157, continuing in effect the proclaimed local emergency pursuant to Resolution No. 21-147. Resolution No. 21-157 provides that the City Council shall, within 30 days of the date of adoption of the resolution or at the earliest possible date that conditions warrant, review the need for further continuing the local emergency.

The purpose of this item is for the City Council to review the need to continue the proclaimed local emergency, per Resolution No's. 21-147 and 21-157. Based on the persistence of the conditions and circumstances that gave rise to the initial need to

proclaim the local emergency, despite significant improvement indicated by recent air and water testing, staff recommends continuing the proclaimed local emergency in effect until the next time the City Council is required to review the continuing need (within 30 days).

## **II. RECOMMENDATION**

ADOPT Resolution No. 21-168, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, CONTINUING IN EFFECT THE PROCLAIMED LOCAL EMERGENCY PURSUANT TO RESOLUTION NO. 21-147 RELATED TO THE DOMINGUEZ CHANNEL ODOR (Exhibit No. 1).”

## **III. ALTERNATIVES**

TAKE another action the City Council deems appropriate and that is consistent with applicable laws.

## **IV. BACKGROUND**

On October 25, 2021, the City Council ratified the proclamation of a local emergency in the City of Carson, as set forth in Resolution No. 21-147, pursuant to Government Code Section 8558(c) and Carson Municipal Code Section 3705(a) related to the existence of a noxious odor emanating from the Dominguez Channel. (Exhibit No. 2).

Resolution No. 21-147 provides that the City Council shall “review within 30 days . . . , until such Local Emergency is terminated, the need for continuing the Local Emergency at the earliest possible date that conditions warrant.”

At its November 16, 2021, City Council meeting, the City Council reviewed the need for continuing the local emergency pursuant to the foregoing provision of Resolution No. 21-147 and found (without limitation) that although testing had revealed significant amelioration of the conditions that necessitated the proclamation of local emergency, there was a need for continuing the local emergency in effect. Accordingly, the City Council adopted Resolution No. 21-157, continuing the proclaimed local emergency in effect and providing that within 30 days of the date of adoption of the resolution or at the earliest possible date that conditions warrant, the City Council shall again review the need for further continuing the local emergency.

The purpose of this item is for the City Council to review the need for further continuing the local emergency pursuant to the aforementioned provisions of Resolution No.’s 21-147 and 21-157.

Since the time of adoption of Resolution No. 21-157, conditions have continued to improve. The County’s efforts at aeration of the channel are beginning to work, and the hotel program ended on November 26. Air quality testing shows continuing improvement as well. However, further testing is needed to confirm the effectiveness of the measures being

taken and the ongoing amelioration of the conditions, and County Public Health has indicated it is not ready to call an end to the nuisance/emergency yet. Accordingly, staff recommends adoption of the proposed resolution, which would continue the proclaimed local emergency in effect based on a finding of continuing need due to the foregoing, without limitation.

If the proposed resolution is adopted, the City Council will need to again review the continuing need for the proclaimed local emergency within 30 days following adoption of the resolution.

## **V. FISCAL IMPACT**

There is no direct fiscal impact associated with this staff report. The financial impacts associated with the Dominguez Channel Odor Event are being addressed separately. This item pertains specifically to the emergency declaration.

## **VI. EXHIBITS**

1. Proposed Resolution No. 21-168 (pgs. 4 - 6)
2. Resolution No. 21-147 (pgs. 7 - 13)

Prepared by: City Attorney's Office and City Manager's Office