



# CITY OF CARSON

## Legislation Text

File #: 2022-058, Version: 1

### Report to Mayor and City Council

Tuesday, February 01, 2022

Consent

#### **SUBJECT:**

**CONSIDER ADOPTING RESOLUTION NO. 22-015 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 January 4, 2022, the City Council adopted Resolution No. 22-003 continuing in effect the proclaimed local emergency pursuant to Resolution No. 21-147 and that was continued by Resolution 21-168. Resolution No. 21-168 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 Nos. 21-147, 21-157, 21-168, and 2022-003. Based on the circumstances that gave rise to the initial need to proclaim the local emergency, despite continued 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. 22-015, "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 January 4, 2022, 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. 22-003, 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, 21-157, 21-168, and 2022-003.

Since the time of adoption of Resolution No. 22-003, conditions have continued to improve. The County’s effort at aerating the Channel has increased dissolved oxygen in the Channel to aerobic conditions, and the hotel program ended on November 26. Air quality testing shows continuing improvement as well. Significant rainfall during the month of December has also contributed to the improved water quality. However, County Public Health has not yet called an end to the nuisance/emergency. 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. 22-015 (pgs. 4 - 6)
2. Resolution No. 21-147 (pgs. 7 - 13)

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