

## REPORT TO CITY COUNCIL

**Approved by:**

*Wendy Silva*

Wendy Silva, Department Director

*Keith Helmuth*

Keith Helmuth, City Engineer

*Arnoldo Rodriguez*

Arnoldo Rodriguez, City Manager

**Council Meeting of:** June 12, 2024

**Agenda Number:** A-1

**SUBJECT:**

Ratify declaration of a local emergency and emergency repairs to Avenue 13 sewer trunk main due to multiple failure sites

**RECOMMENDATION:**

Adopt Resolutions:

1. Ratifying the declaration of a local emergency by the City Manager as Director of Emergency Services due to additional failure of the City sewer trunk line on June 10, 2024; and
2. Making a finding of emergency relating to emergency response and repairs to the sanitary sewer main and ratifying the award of emergency contracts without competitive bidding for the emergency repairs on the sewer main

**SUMMARY:**

The City of Madera (City) experienced an unexpected, significant failure of the sewer trunk line in Avenue 13, approximately 100 feet west of Granada drive on Monday, June 10, 2024. The City Manager as Director of Emergency Services issued a declaration of local emergency due to conditions of extreme peril to the health and safety of persons and property within Madera. Staff immediately mobilized emergency work efforts to respond to the collapse and provide sanitary sewer services to City residents, as well as residents of the areas of Parksdale and Parkwood that connect to the City's sewer line. The requested action is twofold: (1) to ratify the declaration of local emergency, and (2) to make a finding of emergency relating to the emergency response and repairs pursuant to Public Contract Code 22050 allowing staff to continue with accelerated repair and construction at the failure site without a formal competitive bidding process.

## **DISCUSSION:**

On Monday, June 10, 2024, at approximately 10:30 AM, City staff was informed of a roadway collapse approximately 100 feet to the west of the intersection of Avenue 13 (Pecan Avenue) and Road 25 (Granada Drive). The rear trailer of a truck pulling two (2) trailers had fallen into a hole in the roadway directly above the City's sewer trunk line. The sewer trunk line is the main collection line for the City's sewer system that carries the flow of sewage from City residents and businesses to the Waste Water Treatment Plant (WWTP).

It was determined that the sewer trunk line had collapsed at this location and flow was impeded. The health and safety of residents was at risk due to the imminent backup of raw sewage in the system if the collapse was not addressed immediately. The City Manager as Director of Emergency Services declared a local emergency, calling on residents to take immediate actions to limit the introduction of flow to the sewer system. The first resolution contemplated with this report ratifies the declaration of a local emergency.

Due to the critical nature of the repair at the failure site and the potential disastrous impact to the community from the complete loss of sewer collection infrastructure and the potential for the backup of raw sewage, immediate action was taken by the City to secure the site, implement a bypass pumping operation, stabilize the collapsed roadway and risk to adjacent utilities, and plan for emergency repairs to the sewer line.

The City engaged several contractors under Public Contract Code section 22050, which allows the City Council to authorize the City Manager to enter into contracts for emergency work without engaging in competitive bidding. This allowed the City to begin work on the site immediately to protect the health and safety of the public. The second resolution contemplated with this report ratifies the award of emergency contracts under the referenced Public Contract Code section. It should be noted that the second resolution requires a 4/5 vote of the City Council.

Previously, on June 3, 2024, at approximately 2:30 PM, County staff was notified by a resident of a significant failure in Avenue 13 near Mission Bell winery. County crews notified City staff of a likely sewer failure at the location. City crews confirmed by visual inspection that the sewer trunk main had experienced a failure causing a large void in the road and partially obstructing the flow. This event resulted in a declaration of emergency by the City Manager as Director of Emergency Services. The City Council ratified the declaration and emergency contracts for the June 3, 2024, collapse at its June 5, 2024, meeting. The resolution from this action is provided as Exhibit 2 to the first resolution for reference.

## **FINANCIAL IMPACT:**

It is difficult to provide a cost estimate at this time due to the unknown conditions and early stages of the situation. The City Council will be provided regular reports relating to the emergency contracts and expenditures to address the June 10, 2024, sewer line failure.

**ALTERNATIVES:**

Staff does not recommend any alternatives than proceeding with emergency repairs to ensure the health and safety of the public.

**ATTACHMENTS:**

1. Resolution Ratifying the declaration of a local emergency by the city Manager as Director of Emergency Services due to additional failure of the City Sewer trunk line on June 10, 2024
  - Exhibit 1: Declaration proclaiming the existence of a local emergency for the June 10, 2024, sewer trunk failure
  - Exhibit 2: City Council Resolution 24-80 ratifying the existence of a local emergency
2. Resolution Making a finding of emergency relating to emergency response and repairs to the sanitary sewer main, and ratifying the award of emergency contracts without competitive bidding for the emergency repairs on the sewer main

**Attachment 1**

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA,  
RATIFYING THE DECLARATION OF A LOCAL EMERGENCY BY THE CITY MANAGER  
AS THE DIRECTOR OF EMERGENCY SERVICES DUE TO ADDITIONAL FAILURE OF  
THE CITY'S SEWER TRUNK LINE ON JUNE 10, 2024**

**WHEREAS**, Section 3-2.04 of the Madera Municipal Code designates the City Manager as the Director of Emergency Services for the City of Madera; and

**WHEREAS**, California Government Code Sections 8558 and 8630, et seq., and Section 3-2.04 (A) of the Madera Municipal Code authorizes the Director of Emergency Services to proclaim the existence of a local emergency within the City of Madera when the City Council is not in session and the City of Madera is affected or likely to be affected by the existence or threatened existence of conditions of emergency or of extreme peril to the health and safety of persons and property within the territorial limits of the City of Madera; and

**WHEREAS**, a local emergency declared by the Director of Emergency Services shall not remain in effect for a period in excess of seven (7) days unless it has been ratified by the City Council; and

**WHEREAS**, the health, safety, and welfare of City residents, businesses, visitors, and staff are of utmost importance to the City and additional future measures may be needed to protect the community. The mobilization of local resources, ability to coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and allow for future reimbursement by the state and federal governments will be critical to successfully responding to the present state of emergency. The City may require additional assistance in the future, and proclamation of local emergency allows additional resources to flow to the City in a timely manner; and

**WHEREAS**, on June 3, 2024, the City Council was not in session and the City Manager as Director of Emergency Services declared a local emergency due to the existence of conditions of extreme peril to the health and safety of persons and property within the City of Madera caused by failure of the main sewer trunk line in Avenue 13 between Granada Drive and Road 24 in Madera, California; and

**WHEREAS**, the City Council of the City of Madera ratified this action at its meeting on June 5, 2024; and

**WHEREAS**, additional sewer trunk line failure occurred on or about Monday, June 10, 2024, causing significant impact to the sanitary sewer system serving all residents and businesses within the City of Madera and the Parksdale and Parkwood areas of Madera County; and

**WHEREAS**, on June 10, 2024, the City Council was not in session and the City Manager as Director of Emergency Services declared a local emergency for response and repairs to the additional sewer trunk line collapse to protect the health and safety of persons and property

within the City of Madera; and

**WHEREAS**, The Director of Emergency Services requests that the City Council ratify the declaration of a state of local emergency for the City of Madera as impacts from the sewer trunk collapses are evaluated, repaired, and or mitigated; and

**WHEREAS**, after consideration of all facts reasonably available for review and all items, the City Council of the City of Madera now desires to ratify the proclamation and affirm the existence of a state of emergency throughout the City to make additional resources available to address the impacts of the above-described sewer trunk line failures, ratify the proclamation of the Director of Emergency Services made on June 10, 2024, and affirm the existence of a state of local emergency for the City of Madera as of the date June 3, 2024 when the first collapse was discovered.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF MADERA** hereby resolves, finds, and orders as follows:

1. Recitals. The above recitals are true and correct and incorporated herein as findings by the City Council.
2. Proclamation of Local Emergency. The actual existence of conditions of extreme peril to the safety of persons and property have arisen within the City of Madera, caused by the effects of the above-described sewer trunk line failures. The City Council, based upon the foregoing, now does proclaim, declare and affirm the continuing existence of a local emergency throughout the City.
3. Ratification. The aforementioned conditions of extreme peril warranted and necessitated the extension of the proclamation of the existence of a local emergency throughout the City of Madera by the City's Director of Emergency Services on June 10, 2024. The City Council of the City of Madera does hereby ratify and affirm the need to continue the proclamation of a local emergency throughout the City of Madera by the City's Director of Emergency Services on June 10, 2024, attached hereto as Exhibit 1 and incorporated herein by reference.
4. Effective Date of Local Emergency. The City Council of the City of Madera does hereby extend and affirm the existence of a state of local emergency for the City of Madera as of the date of June 3, 2024, when the City's Director of Emergency Services originally declared the existence of a state of emergency for the City of Madera as affirmed by City Council Resolution No. 24-80 (attached hereto as Exhibit 2 and incorporated herein by reference), for the reasons articulated herein, and for the additional reasons in the proclamation of a local emergency throughout the City of Madera by the City's Director of Emergency Services proclaimed on June 10, 2024.

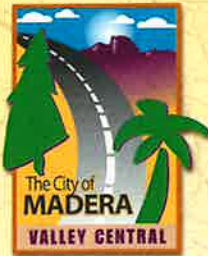
5. Authority. During the existence of said local emergency, the powers, authority, functions and duties of the Director of Emergency Services and the City's emergency services organizations shall be those prescribed by state law, City ordinances, resolutions, and approved plans of the City in order to mitigate the effects of said local emergency. In this regard, the Council desires to make clear the powers, functions, and duties include:
  - a. As necessary for the public health, life, and property, entering into contracts to arrange for the procurement of materials, goods, and services needed to assist in preparing for, containing, responding to, mitigating the effects of, and recovering from the significant sewer trunk failures. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, as well as any City procurement or related policy, are suspended to the extent reasonably necessary to address the effects of the significant sewer system failure.
  - b. The Emergency Services Director is expressly authorized to assist with any lawful order, including the enforcement of an order issued by the State of California.
  - c. The designation and authorization of Arnolando Rodriguez, City Manager and Emergency Services Director, or his designee, as the Local Hazard Mitigation Coordinator of the City of Madera is reaffirmed, including for the purposes of i) assessing damage within the City of Madera and consulting with federal/state survey teams about hazard mitigation actions; and ii) authorized representative for individual assistance of the City of Madera for purposes of receipt, processing, and coordination of all inquiries and requirements necessary to obtain available state and federal assistance
6. Duration. Per Government Code Section 8630, this ratification of the proclamation of local emergency shall expire in sixty (60) days unless extended by the City Council. At the direction of the Emergency Services Director, City Staff are directed to return this item for Council review of the need for continuing the local emergency prior to the expiration of the sixty (60) day period.
7. Notice to Agencies. In accordance to the California Disaster Assistance Act and the Stafford Act, the Emergency Services Director is authorized to send a copy of this ratification of a proclamation of local emergency be forwarded to the Director of California Governor's Office of Emergency Services requesting that the Director find it acceptable in accordance with State law; that the Governor waive regulations that may hinder response and recovery efforts; that recovery assistance be made available under the California Disaster Assistance Act; and that the State expedite access to State and Federal resources and any other appropriate federal disaster relief programs. A copy of this Resolution shall be forwarded to the Madera County Office of Emergency Services.

8. Severability. If any subsection, sentence, clause, phrase, or word of this Resolution or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Resolution.
9. Effective Date of Resolution. This Resolution shall be effective immediately upon passage and adoption. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.
10. Publication. This Resolution and its contents will be published and promulgated in as widespread a manner as is reasonably feasible under the conditions prevailing during this local emergency.

\* \* \* \* \*



**Exhibit 1**



**DECLARATION PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY  
JUNE 10, 2024, SEWER TRUNK FAILURE**

WHEREAS, the Director of Emergency Services does hereby find that conditions of extreme peril to the health and safety of persons and property have arisen within the City of Madera, caused by failure of the main sewer trunk line in Avenue 13, east of Granada Drive, in Madera, California, on or about Monday, June 11, 2024; and

WHEREAS, this failure of the pipe significantly impacted the sanitary sewer system serving all residents and businesses within the City of Madera and the Parksdale and Parkwood areas of Madera County, placing the entire sewer system at risk of raw sewage backup, and included significant failure of the transportation infrastructure in the immediate vicinity of the sewer trunk failure; and

WHEREAS, all users of the sewer system were ordered to take immediate actions to limit the introduction of flow to the sewer system; and

WHEREAS, strict compliance with certain Madera Municipal Code ("MMC") and other City regulations would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the significant sewer failure, which issues cannot be timely addressed absent a declaration of emergency; and

WHEREAS, the mobilization of local resources, ability to coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and allow for future participation by the county, state and federal governments will be critical to successfully responding to the failed sewer infrastructure; and

WHEREAS, local resources have been deployed by the City of Madera to mitigate and recover from this significant failure, thereby depleting strained public safety resources such as Law Enforcement, Public Works, and Engineering services; and

WHEREAS, Section 3-2.04 of the Madera Municipal Code designates the City Manager as the Director of Emergency Services for the City of Madera; and

WHEREAS, California Government Code Sections 8558 and 8630, et seq., and Section 3-2.04 (A) of the Madera Municipal Code authorizes the Director of Emergency Services to proclaim the existence of a local emergency within the City of Madera when the City Council is not in session and the City of Madera is affected or likely to be affected by the existence or threatened existence of conditions of emergency or of extreme peril to the health and safety of persons and

property within the territorial limits of the City of Madera; and

WHEREAS, a local emergency declared by the Director of Emergency Services shall not remain in effect for a period in excess of seven (7) days unless it has been ratified by the City Council; and

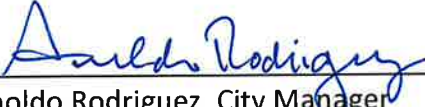
WHEREAS, the health, safety, and welfare of City residents, businesses, visitors, and staff are of utmost importance to the City and additional future measures may be needed to protect the community. The mobilization of local resources, ability to coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and allow for future reimbursement by the state and federal governments will be critical to successfully responding to the present state of emergency. The City may require additional assistance in the future, and proclamation of local emergency allows additional resources to flow to the City in a timely manner; and

WHEREAS, after consideration of all items the Director of Emergency Services now desires to proclaim the existence of a state of emergency to make additional resources available to address the effects of the sewer trunk failure.

NOW, THEREFORE, the Director of Emergency Services for the City of Madera does hereby find and proclaim as follows:

1. The above recitals are true and correct and incorporated herein as findings by the Director of Emergency Services.
2. The Director of Emergency Services finds that conditions of extreme peril to the health and safety of persons and property have arisen within the City of Madera, caused by a second significant failure of the sewer trunk line on or about June 10, 2024.
3. The Director of Emergency Services further finds that the City Council is not currently in session.
4. The aforementioned conditions of extreme peril caused by additional sewer trunk line failure warrant and necessitate the proclamation of the existence of a local emergency by the City's Director of Emergency Services. Pursuant to the authority granted by City ordinance, I hereby proclaim that a local emergency now exists throughout the City as of the date of June 10, 2024, when the collapse was discovered for the reasons articulated herein.
5. It is further proclaimed and ordered that during the existence of said local emergency, the powers, functions, and duties of the Emergency Services Director and the Madera Disaster Council shall be those prescribed by State Law, City ordinances, resolutions, and approved plans of the City in order to mitigate the effects of said local emergency.
7. It is further proclaimed and ordered that in accordance with the California Disaster

- Assistance Act and the Stafford Act, a copy of this proclamation be forwarded to the Director of the California Governor's Office of Emergency Services requesting that the Director find it acceptable in accordance with State law; that the Governor waive regulations that may hinder response and recovery efforts; that recovery assistance be made available under the California Disaster Assistance Act; and that the State expedite access to State and Federal resources and any other appropriate federal disaster relief programs. It is further proclaimed and ordered that a copy of this Declaration be forwarded to the Madera County Office of Emergency Services.
8. It is further proclaimed and ordered that Arnolando Rodriguez, City Manager and Emergency Services Director, or his designee, is hereby designated as the Local Hazard Mitigation Coordinator of the City of Madera for the purpose of assessing damage within the City of Madera and consulting with federal/state survey teams about hazard mitigation actions.
  9. It is further proclaimed and ordered that Arnolando Rodriguez, City Manager and Emergency Services Director, or his designee, is hereby designated as the authorized representative for public assistance, and Arnolando Rodriguez, City Manager and Emergency Services Director, or his designee, is hereby designated as the authorized representative for individual assistance of the City of Madera for purposes of receipt, processing, and coordination of all inquiries and requirements necessary to obtain available state and federal assistance.
  10. This proclamation and its contents will be published and promulgated in as widespread a manner as is reasonable feasible under the conditions prevailing during this local emergency.
  11. This proclamation of a local emergency shall take effect immediately as of the date first set forth below. Consistent with Subsection 3-2.04(A) of the MMC and California Government Code Section 8630(b) the local emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the City Council.

  
\_\_\_\_\_  
Arnolando Rodriguez, City Manager  
Director of Emergency Services

6/10/2024  
Date

**Exhibit 2**

**RESOLUTION NO. 24-80**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA,  
CALIFORNIA, MAKING A FINDING OF EMERGENCY RELATING TO SEWER  
FAILURES ON THE SEWER MAIN AT AVENUE 13 BETWEEN GRANADA  
DRIVE AND ROAD 24, AFFIRMING THE EMERGENCY ACTIONS TAKEN BY  
THE CITY MANAGER TO MAKE EMERGENCY REPAIRS ON THE SANITARY  
SEWER MAIN, AND RATIFYING THE AWARD OF EMERGENCY CONTRACTS  
WITHOUT COMPETITIVE BIDDING FOR THE EMERGENCY REPAIRS ON THE  
SEWER MAIN**

**WHEREAS**, Public Contract Code Section 220250 provides that in the case of an emergency, a public agency, pursuant to a four-fifths vote of its governing body, may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.

**WHEREAS**, Public Contract Code further provides that before a governing body takes any action as set in the recital hereinabove, it shall make a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency.

**WHEREAS**, pursuant to Public Contract Code Section 1102 an “emergency,” means a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

**WHEREAS**, the sewer main located at Avenue 13 between Granada Drive and Road 24 is the sole sewer main that conveys all City sewerage to the City’s Wastewater Treatment Plant; and

**WHEREAS**, the sewerage main collapsed on June 3, 2024 resulting in a large void in the roadway and sewerage flows temporarily backing up into the City system requiring operators to install temporary by-pass pumps in order to pump the sewerage past the localized line break and to maintain by-pass pumping continuously on a 24-hr basis at all hours until the repair is complete; and

**WHEREAS**, the sewer main services the entire City and community of Parkwood and failure of the pipeline, without the by-pass pumping, would result in a large sanitary sewer overflow; and

**WHEREAS**, sanitary sewer overflows over 1,000 gallons will result in a Notice of Violation from the California Water Board per Water Quality Order 2006-0003-DWQ; and

**WHEREAS**, the repairs necessary are described as follows: provide traffic control, pump out and bypass the area of main collapse, remove and replace the main at the line break, make repairs and rehabilitation to potential failure conditions upon further discovery and investigation, secure all utilities in conflict at the location, backfill and around sewer main and trench, repair damage to street and demobilize; and

**WHEREAS**, the City of Madera has secured several contractors and specialty trades to remedy the situation including Floyd Johnston Construction to make the necessary repairs and investigation, Rain for Rent to provide temporary pumps to provide by-pass pumping of the sewage; Safety Network to provide traffic control for the road closure and site protection; and

**WHEREAS**, additional goods, trades and services may be required including but not limited to sewer video inspection, pipe cleaning, geotechnical engineering, materials and appurtenances for repairs; and

**WHEREAS**, the City crews also worked overtime to maintain the sewer pumps and to provide Construction Management for this project; and

**WHEREAS**, in accordance with Madera City Code Section 3-2.04, the City Manager has provided a detailed staff report setting forth the specific facts establishing the emergency, why the emergency did not permit a delay resulting from a competitive solicitation for bids, and why his actions were necessary to respond to the emergency associated with the aforementioned repairs as well as on the costs associated with the repairs; and

**WHEREAS**, it is highly likely that failure to immediately make the required repairs will result in danger to the health, safety, and welfare of the City residents, members of the public, and/or public facilities; and

**WHEREAS**, the City Council has considered the written report and verbal report of the City Manager at a regular meeting and determined that the facts and circumstances are such that emergency repairs were and are needed.

**NOW, THEREFORE** the City Council resolves as follows:

1. The staff report regarding this resolution and the recitals herein are incorporated herein by reference.
2. The repairs described in the recitals and staff report constitute an emergency requiring the need to take immediate action and require procurement of necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.
3. The "emergency" described in this resolution meets the requirements as set forth in the Public Contract Code as it constitutes a sudden, unexpected occurrence that posed a clear

and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

4. The Council finds the emergency will not permit a delay resulting from a competitive solicitation for bids and that the action was and is necessary to respond to the emergency.
5. The City Council ratifies the emergency action taken by the City Manager, including the award of an emergency purchase orders and contracts without competitive bidding for the emergency repairs.
6. Upon completion of the aforementioned emergency repairs and stabilization work, any other work shall be made through a competitive bid process as required by the Madera City Code and Public Contract Code.
7. The City Council hereby directs the City Manager to make status reports at each regularly scheduled Council meeting, pursuant to Section 22050 of the Public Contracts Code until the repairs have been completed.
8. This Resolution shall become effective upon adoption.

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PASSED AND ADOPTED by the City Council of the City of Madera this 5<sup>th</sup> day of June 2024 by the following vote:

- AYES: Mayor Garcia, Councilmembers Rodriguez, Montes, Evans, Mejia and Villegas.
- NOES: None.
- ABSTENTIONS: None.
- ABSENT: Mayor Pro Tem Gallegos.

APPROVED:



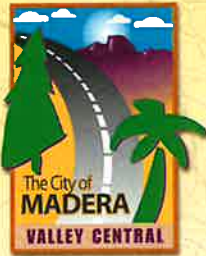
\_\_\_\_\_  
SANTOS GARCIA, Mayor

ATTEST:



\_\_\_\_\_  
ALICIA GONZALES, City Clerk





**DECLARATION PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY  
JUNE 3, 2024, SEWER TRUNK FAILURE**

WHEREAS, the Director of Emergency Services does hereby find that conditions of extreme peril to the health and safety of persons and property have arisen within the City of Madera, caused by failure of the main sewer trunk line in Avenue 13 between Granada Drive and Road 24 in Madera, California, on or about Monday, June 3, 2024; and

WHEREAS, this failure of the pipe significantly impacted the sanitary sewer system serving all residents and businesses within the City of Madera and the Parksdale and Parkwood areas of Madera County, placing the entire system at risk of raw sewage backup; and

WHEREAS, all users of the sewer system were ordered to take immediate actions to limit the introduction of flow to the sewer system; and

WHEREAS, strict compliance with certain Madera Municipal Code ("MMC") and other City regulations would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the significant sewer failure, which issues cannot be timely addressed absent a declaration of emergency; and

WHEREAS, the mobilization of local resources, ability to coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and allow for future participation by the county, state and federal governments will be critical to successfully responding to the failed sewer infrastructure; and

WHEREAS, local resources have been deployed by the City of Madera to mitigate and recover from this significant failure, thereby depleting strained public safety resources such as Law Enforcement, Public Works, and Engineering services; and

WHEREAS, Section 3-2.04 of the Madera Municipal Code designates the City Manager as the Director of Emergency Services for the City of Madera; and

WHEREAS, California Government Code Sections 8558 and 8630, et seq., and Section 3-2.04 (A) of the Madera Municipal Code authorizes the Director of Emergency Services to proclaim the existence of a local emergency within the City of Madera when the City Council is not in session and the City of Madera is affected or likely to be affected by the existence or threatened existence of conditions of emergency or of extreme peril to the health safety of persons and property within the territorial limits of the City of Madera; and

WHEREAS, a local emergency declared by the Director of Emergency Services shall not remain in effect for a period in excess of seven (7) days unless it has been ratified by the City Council; and

WHEREAS, the health, safety and welfare of City residents, businesses, visitors and staff are of utmost importance to the City and additional future measures may be needed to protect the community. The mobilization of local resources, ability to coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and allow for future reimbursement by the state and federal governments will be critical to successfully responding to the present state of emergency. The City may require additional assistance in the future, and proclamation of local emergency allows additional resources to flow to the City in a timely manner; and

WHEREAS, after consideration of all items the Director of Emergency Services now desires to proclaim the existence of a state of emergency to make additional resources available to address the effects of the sewer trunk failure.

NOW, THEREFORE, the Director of Emergency Services for the City of Madera does hereby find and proclaim as follows:

1. The above recitals are true and correct and incorporated herein as findings by the Director of Emergency Services.
2. The Director of Emergency Services finds that conditions of extreme peril to the health and safety of persons and property have arisen within the City of Madera, caused by a significant failure of the sewer trunk line on or about June 3, 2024.
3. The Director of Emergency Services further finds that the City Council is not currently in session.
4. The aforementioned conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency by the City's Director of Emergency Services. Pursuant to the authority granted by City ordinance, I hereby proclaim that a local emergency now exists throughout the City as of the date of June 3, 2024, when the collapse was discovered for the reasons articulated herein.
5. It is further proclaimed and ordered that during the existence of said local emergency, the powers, functions, and duties of the Emergency Services Director and the Madera Disaster Council shall be those prescribed by State Law, City ordinances, resolutions, and approved plans of the City in order to mitigate the effects of said local emergency.
7. It is further proclaimed and ordered that in accordance with the California Disaster Assistance Act and the Stafford Act, a copy of this proclamation be forwarded to the Director of the California Governor's Office of Emergency Services requesting that the Director find it acceptable in accordance with State law; that the Governor waive regulations that may hinder response and recovery efforts; that recovery assistance be made available under the California Disaster Assistance Act; and that the State expedite access to State and Federal resources and any other appropriate federal disaster relief programs. It is further proclaimed and ordered that a copy of this Declaration be forwarded to the Madera County Office of Emergency Services.
8. It is further proclaimed and ordered that Arnoldo Rodriguez, City Manager and Emergency Services Director, or his designee, is hereby designated as the Local Hazard Mitigation

- Coordinator of the City of Madera for the purpose of assessing damage within the City of Madera and consulting with federal/state survey teams about hazard mitigation actions.
9. It is further proclaimed and ordered that Arnoldo Rodriguez, City Manager and Emergency Services Director, or his designee, is hereby designated as the authorized representative for public assistance, and Arnoldo Rodriguez, City Manager and Emergency Services Director, or his designee, is hereby designated as the authorized representative for individual assistance of the City of Madera for purposes of receipt, processing, and coordination of all inquiries and requirements necessary to obtain available state and federal assistance.
  10. This proclamation and its contents will be published and promulgated in as widespread a manner as is reasonable feasible under the conditions prevailing during this local emergency.
  11. This proclamation of a local emergency shall take effect immediately as of the date first set forth below. Consistent with Subsection 3-2.04(A) of the MMC and California Government Code Section 8630(b) the local emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the City Council.

  
Arnoldo Rodriguez, City Manager  
Director of Emergency Services

6/3/2024  
Date

**ATTACHMENT 2**

**RESOLUTION NO. 24-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA,  
CALIFORNIA, MAKING A FINDING OF CONTINUING EMERGENCY  
RELATING TO SEWER FAILURES ON THE SEWER MAIN AT AVENUE 13  
WEST OF GRANADA DRIVE , AFFIRMING THE EMERGENCY ACTIONS  
TAKEN BY THE CITY MANAGER TO MAKE EMERGENCY REPAIRS ON THE  
SANITARY SEWER MAIN, AND RATIFYING THE AWARD OF EMERGENCY  
CONTRACTS WITHOUT COMPETITIVE BIDDING FOR THE EMERGENCY  
REPAIRS ON THE SEWER MAIN**

**WHEREAS**, Public Contract Code Section 22050 provides that in the case of an emergency, a public agency, pursuant to a four-fifths vote of its governing body, may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.

**WHEREAS**, Public Contract Code further provides that before a governing body takes any action as set in the recital hereinabove, it shall make a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency.

**WHEREAS**, pursuant to Public Contract Code Section 1102 an “emergency,” means a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

**WHEREAS**, the sewer main located at Avenue 13 west of Granada Drive is the sole sewer main that conveys all City sewerage to the City’s Wastewater Treatment Plant; and

**WHEREAS**, in addition to the current emergency as a result of the sewer collapse on June 3, 2024, the sewer main has a secondary collapsed on June 10, 2024 resulting in a large void in the roadway and sewerage flows temporarily backing up into the City system requiring operators to install temporary by-pass pumps in order to pump the sewerage past the localized line break and to maintain by-pass pumping continuously on a 24-hr basis at all hours until the repair is complete; and

**WHEREAS**, the sewer main services the entire City and community of Parkwood and failure of the pipeline, without the by-pass pumping, would result in a large sanitary sewer overflow; and

**WHEREAS**, sanitary sewer overflows over 1,000 gallons will result in a Notice of Violation from the California Water Board per Water Quality Order 2006-0003-DWQ; and

**WHEREAS**, the repairs necessary are described as follows: provide traffic control, pump out and bypass the area of main collapse, remove and replace the main at the line break, make repairs and rehabilitation to potential failure conditions upon further discovery and investigation, secure all utilities in conflict at the location, backfill and around sewer main and trench, repair damage to street and demobilize; and

**WHEREAS**, the City of Madera has secured several contractors and specialty trades to remedy the situation including Floyd Johnston Construction to make the necessary repairs and investigation, MPS to provide temporary pumps to provide by-pass pumping of the sewage; Safety Network to provide traffic control for the road closure and site protection; and

**WHEREAS**, additional goods, trades and services may be required including but not limited to sewer video inspection, pipe cleaning, geotechnical engineering, materials and appurtenances for repairs; and

**WHEREAS**, the City crews also worked overtime to maintain the sewer pumps and to provide Construction Management for this project; and

**WHEREAS**, in accordance with Madera City Code Section 3-2.04, the City Manager has provided a detailed staff report setting forth the specific facts establishing the emergency, why the emergency did not permit a delay resulting from a competitive solicitation for bids, and why his actions were necessary to respond to the emergency associated with the aforementioned repairs as well as on the costs associated with the repairs; and

**WHEREAS**, it is highly likely that failure to immediately make the required repairs will result in danger to the health, safety, and welfare of the City residents, members of the public, and/or public facilities; and

**WHEREAS**, the City Council has considered the written report and verbal report of the City Manager at a regular meeting and determined that the facts and circumstances are such that emergency repairs were and are needed.

**NOW, THEREFORE** the City Council resolves as follows:

1. The staff report regarding this resolution and the recitals herein are incorporated herein by reference.
2. The repairs described in the recitals and staff report constitute an emergency requiring the need to take immediate action and require procurement of necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.
3. The “emergency” described in this resolution meets the requirements as set forth in the Public Contract Code as it constitutes a sudden, unexpected occurrence that posed a clear

and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

4. The Council finds the emergency will not permit a delay resulting from a competitive solicitation for bids and that the action was and is necessary to respond to the emergency.
5. The City Council ratifies the emergency action taken by the City Manager, including the award of an emergency purchase orders and contracts without competitive bidding for the emergency repairs.
6. Upon completion of the aforementioned emergency repairs and stabilization work, any other work shall be made through a competitive bid process as required by the Madera City Code and Public Contract Code.
7. The City Council hereby directs the City Manager to make status reports at each regularly scheduled Council meeting, pursuant to Section 22050 of the Public Contracts Code until the repairs have been completed.
8. This Resolution shall become effective upon adoption.

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