

**RESOLUTION NO. 46-10**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND RATIFYING THE PROCLAMATION BY THE DIRECTOR OF EMERGENCY SERVICES DECLARING THE EXISTENCE OF A LOCAL EMERGENCY ON APRIL 22, 2010, DUE TO SINKHOLE DAMAGE ON VIA VERDI IN RICHMOND, CALIFORNIA, AND REQUESTING THAT THE GOVERNOR OF THE STATE OF CALIFORNIA PROCLAIM A STATE OF EMERGENCY IN RICHMOND BECAUSE THE CITY'S AVAILABLE RESOURCES ARE INADEQUATE TO COPE WITH THE LOCAL EMERGENCY**

WHEREAS, California Government Code Section 8630 empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when said city is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, Section 2.20.060 A(1) of the Richmond Municipal Code empowers the Director of Emergency Services (the City Manager) to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity and when the City Council is not in session; and

WHEREAS, on April 22, 2010, at a time when the City Council was not in session, the Director of Emergency Services of the City of Richmond proclaimed a local emergency due to sinkhole damage on Via Verdi; and

WHEREAS, the Director of Emergency Services, in proclaiming a local emergency, found that conditions of extreme peril to the safety of persons and property had arisen within the city caused by a sinkhole that destroyed portions of a roadway known as Via Verdi and impacted all public improvements therein including sewer and water lines and a portion of a culvert serving the San Pablo Creek; and

WHEREAS, the Director of Emergency Services also found that the sinkhole damage was impacting the 85 single family homes and up to 100 apartment units located on Via Verdi, Mozart Drive, and Minuet Circle; and

WHEREAS, pursuant to Richmond Municipal Code Section 2.20.060A(1), when the City Council of the City of Richmond is not in session, the City Council shall take action to ratify a proclamation of a local emergency within seven days pursuant to California Government Code Section 8630; and

WHEREAS, California Government Code Section 8630 also requires that the governing body shall review, at its regularly scheduled meetings, the conditions of the local emergency until the local emergency is terminated, and ratify the need for continuing the local emergency; and

WHEREAS, California Government Code Sections 8850, et seq, authorize the Governor to declare a state of emergency when the locally available resources are inadequate to cope with the local emergency; and

WHEREAS, the City of Richmond has received estimates that the repair of the infrastructure caused by the Via Verdi sinkhole will cost up to seven million five hundred dollars (\$7,500,000.00) and require up to fourteen months to repair;

WHEREAS, the cost to repair the sinkhole damage exceeds the locally available financial resources that the City of Richmond has to address the sinkhole damage; and

WHEREAS, the City of Richmond has also been informed that the repair of the infrastructure caused by the Via Verdi sinkhole will require the assistance of a number of regional and state agencies.

NOW, THEREFORE, IT IS HEREBY RESOLVED AND PROCLAIMED by the City

Council of the City of Richmond that the proclamation of a local emergency issued by the Director of Emergency Services on April 22, 2010, is hereby ratified.

IT IS FURTHER RESOLVED AND PROCLAIMED that a local emergency did exist and continues exists throughout said city; and

IT IS FURTHER RESOLVED, PROCLAIMED AND ORDERED that during the existence of said local emergency the powers, functions, and duties of the emergency organization of this city shall be those prescribed by state law, by ordinances, and resolutions of this city, and by the City of Richmond SEMS/NIMS (Standardized Emergency Management System/National Incident Management System) Emergency Operations Plan, as approved by the City Council on April 01, 2008; and

IT IS FURTHER RESOLVED AND PROCLAIMED that the City Council of the City of Richmond hereby formally requests that the Governor of the State of California declare and proclaim a state of emergency in the City of Richmond, California, and that the State of California provide resources and assistance to the City of Richmond as may be needed to cope with the emergency caused by the Via Verdi sinkhole.

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I certify that the foregoing Resolution was duly passed and adopted by the City Council of the City of Richmond at a regular meeting thereof held on April 27, 2010, by the following vote:

- AYES: Councilmembers Bates, Butt, Lopez, Rogers, Vice Mayor Ritterman, and Mayor McLaughlin
- NOES: None.
- ABSTENTIONS: None.
- ABSENT: Councilmember Viramontes

DIANE HOLMES  
Clerk of the City of Richmond

(SEAL)

Approved:

GAYLE MCLAUGHLIN  
Mayor

Approved as to form:

RANDY RIDDLE  
City Attorney

State of California            }  
County of Contra Costa        : ss.  
City of Richmond                }

I certify that the foregoing is a true copy of **Resolution No. 46-10**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on April 27, 2010.