RESOLUTION NO. 2015-212

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, PROCLAIMING AND RATIFYING A LOCAL EMERGENCY AS A RESULT OF AN INOPERABLE AND DANGEROUS GAS LINE AT 2008-2038 N. FRESNO, 2641-2789 E. WELDON, AND 2045-2139 N. ANGUS, FRESNO, CALIFORNIA

WHEREAS, Fresno Municipal Code Section 2-503 empowers the Mayor 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 the Council is not in session; and

WHEREAS, the Mayor did find that conditions of extreme peril to the safety of persons and property arose within the City on November 23, 2015, due to nearly 1,800 tenants of the Summerset Village apartment complex being without heat and hot water due to a failed natural gas line; and

WHEREAS, on November 25, 2015, the Mayor proclaimed a local emergency; and

WHEREAS, on November 23, 2015, testing was performed on the gas lines at the property and the gas lines failed the testing, being declared unfit for use and a safety hazard, and the estimated repairs to the gas line will take approximately three weeks; and

WHEREAS, a winter storm is expected to reach the City on Tuesday, November 24, causing the temperature to drop into the 30°s; and

Date Adopted: 11/30/2015
Date Approved: 12/01/2015
Effective Date: 12/01/2015

WHEREAS, the tenants of the property include children and seniors, who are particularly vulnerable to cold temperatures, and some of whom are ill; and

WHEREAS, without natural gas, tenant's stoves and ovens are inoperable and tenants have no hot water to bathe, and many of the tenants are extremely low income and have no financial means of finding other sources of food or housing; and

WHEREAS, tenants' means of coping with the lack of heat and hot water are causing additional dangers such as potential fire and carbon monoxide hazards; and

WHEREAS, the City is partnering with other agencies to provide tenants with shower and restroom facilities and meals, and is making efforts to find adequate substitute housing for the tenants, but given the large number of tenants needing assistance, the City is facing substantial challenges in this area; and

WHEREAS, the cost to repair the natural gas lines is estimated to be in excess of $300,000; and

WHEREAS, the City has demanded the property owner's immediate attention to these matters, but the property owner has been largely unresponsive; and

WHEREAS, these conditions are beyond the control of service, personnel, equipment, and facilities of the City and require the combined forces of other political subdivisions to combat.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that the Council of the City of Fresno ratifies the proclamation of local emergency proclaimed by the Mayor on November 25, 2015; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of the 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

IT IS FURTHER PROCLAIMED AND ORDERED that a copy of this Proclamation be forwarded to the Emergency Services Director of the County of Fresno, the State Director of the Office of Emergency Services, and the Governor of California.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 30th day of November, 2015.

AYES : Brand, Caprioglio, Olivier, Quintero, Soria, Baines
NOES : None
ABSENT : Brandau
ABSTAIN : None

Mayor Approval: December 1st, 2015
Mayor Approval/No Return: N/A, 2015
Mayor Veto: N/A, 2015
Council Override Vote: N/A, 2015

YVONNE SPENCE, CMC
City Clerk

By: 12-2-2015
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: 12/2/15
Katie Doerr [Date]
Assistant City Attorney

KBD:ns [69746ns/kbd]- 11/25/15

November 30, 2015

RECEIVED

Council Adoption: 11/30/2015
Mayor Approval:
Mayor Veto:
Override Request:

TO: MAYOR ASHLEY SWEARENGIN

FROM: YVONNE SPENCE, CMC
City Clerk

2015 DEC 1 PM 4 15

CITY CLERK, FRESNO CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 11/30/15, Council adopted the attached Resolution No. 2015-212 entitled, **proclaiming and ratifying a Local Emergency as a result of the inoperable and dangerous gas line at 2103 N. Angus Street.** Item No. 9:00 a.m. #2-1 File ID# 15-1100-1, by the following vote:

Ayes	:	Baines, Brand, Caprioglio, Olivier, Quintero, Soria
Noes	:	None
Absent	:	Brandau
Abstain	:	None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before December 10, 2015. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

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APPROVED/NO RETURN: _____

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

_____

_____

Ashley Swearengin, Mayor

Date: 12/1/15

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes	:	
Noes	:	
Absent	:	
Abstain	:	