

RESOLUTION NO. 2023-65**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, CONTINUING THE PROCLAMATION OF A STATE OF LOCAL EMERGENCY RELATING TO IMPACTS FROM CROSS-BORDER POLLUTION IN THE TIJUANA RIVER**

WHEREAS, Government Code Section 8630 and Imperial Beach Municipal Code (IBMC) Section 2.52.060 empower the City Manager, acting as the Director of Emergency Services, to request that the City Council proclaim the existence of a local emergency when the City is affected by a public calamity; and

WHEREAS, the City Manager, as Director of Emergency Services of the City of Imperial Beach, does hereby find that continued conditions of extreme peril to safety of persons, property, and environment have arisen within said City, caused by persistent impacts from cross-border pollution in the Tijuana River; and

WHEREAS, the persistent impact of cross-border flows of treated and untreated wastewater in the Tijuana River, excessive discharge of sediment into the Tijuana Estuary during storm events, and the continued impact of trash and waste tires in the Tijuana River Valley maintains a condition of extreme peril in the City; and

WHEREAS, transboundary flow events in the Tijuana River impacts water quality along the Imperial Beach shoreline and result in significant beach closure days at Border Field State Park, which include 101 days in 2018; 243 days in 2019; 295 days in 2020, 246 days in 2021, and 365 days in 2022; and

WHEREAS, transboundary flows of pollution include untreated sewage, trash, sediment, hazardous chemicals, heavy metals, and toxins continue to impact the Tijuana River, Estuary, coastal waters of the Pacific Ocean, and tributary canyons including Stewart's Drain, Canon del Sol, Silva Drain, Smuggler's Gulch, Goat Canyon, and Yogurt Canyon; and

WHEREAS, the presence of pollution is creating unsafe conditions for residents and visitors who live, work, or recreate in the Tijuana River Valley and may come in contact with contaminated water; and

WHEREAS, pursuant to Section 8558(c) of the California Government Code, the pollution in the Tijuana River is beyond the control of the services, personnel, equipment and facilities of the City of Imperial Beach; and

WHEREAS, pollutants in the Tijuana River are causing contamination of the Tijuana River Valley, Tijuana Estuary, and the water and beaches of the City of Imperial Beach threatening the health, safety, and welfare of the citizens of Imperial Beach as well as visitors to our beaches; and

WHEREAS, the flow of the contaminants and untreated wastewater continues to escalate due to inadequate wastewater infrastructure in the city of Tijuana and lack of sufficient operation and maintenance of existing infrastructure; and

WHEREAS, this flow is the acknowledged responsibility of the federal governments of the United States and Mexico; and

WHEREAS, researchers at the Scripps Institute of Oceanography are studying the relationship of nearshore ocean currents and aerosolized transmission of contaminants as potential public health concerns for communities impacted by Tijuana River pollution; and

WHEREAS, this condition constitutes an economic and public health threat which warrants and necessitates the proclamation and existence of a local emergency; and

WHEREAS, after decades of sewage spills polluting the Tijuana River and after decades of talk and no meaningful action by federal agencies, the City of Imperial Beach, Port of San Diego, and City of Chula Vista filed a lawsuit on March 2, 2018 against the International Boundary and Water Commission for violation of the Clean Water Act which helped secure additional federal funding and commitments to the river valley; and

WHEREAS, the renewed federal attention from the Environmental Protection Agency and International Boundary and Water Commission led to a careful assessment of project options to manage pollution and ultimately a recommendation to support "Alternative 2" in the USMCA Programmatic Environmental Impact Statement, which represents the preferred Tijuana River Comprehensive Solution that is supported by the City; and

WHEREAS, additional funding and commitments are needed to completely implement the preferred Comprehensive Solution for the Tijuana River; and

WHEREAS, the City of San Diego has maintained a continuous local state of emergency for the Tijuana River since September 1993; and

WHEREAS, the County of San Diego issued a Public Health Emergency order for the Tijuana River in February 2021 and Local State of Emergency in June 2023.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach as follows:

1. The above recitals are true and correct.
2. A local emergency exists throughout the City of Imperial Beach.
3. The City Manager, Mayor, and Council members are authorized to work with local, State, Federal, and Mexican authorities and to explore any and all options to improve conditions in the Tijuana River.
4. The City Manager, Mayor, and Council members encourage the County of San Diego to upgrade their Public Health Emergency to a local state of emergency for the Tijuana River.
5. This proclamation of a local emergency shall expire within the timeframes prescribed by State law unless renewed by the City Council.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its meeting held on the 16th day of August 2023, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

PALOMA AGUIRRE, MAYOR

ATTEST:

**JACQUELINE M. KELLY, MMC
CITY CLERK**