



**ADOPTED BY COUNCIL AUGUST 26, 2003
STAFF REPORT**

To: City Council
From: City Manager
Date: 08262003

Subject: Emergency Road Repair Intervention Policy

Recommendation: The City Council adopt a policy authorizing the City Manager to provide emergency repairs to open un-maintained roads for purposes of restoring 'passability' so that emergency response vehicles can gain access during events that pose threats to public health and safety.

Discussion: The flooding of torrential rains during the recent summer storms made a number of streets/roads within the City limits impassable. As the Council is aware, our street crews were busy during this time placing cautionary 'flooded' signs. Subsequently cleanup priority was given to making our roadways 'passable' by clearing debris from them or by importing material to fill impassable fissures. First attention was given to major arterial streets, subsequently attention was given to collectors and roadways into neighborhoods. Last in priority were residential streets and roadways. Roadways were reopened to traffic as soon as time and resources would permit. After the roadways were opened, staff focused on cleanup, hauling away debris, mechanically sweeping and washing streets to restore them cosmetically as well as functionally.

As the Council is aware the City has an adopted 'System of Maintained Streets.' This is a listing, prepared by County prior to the City's incorporation, of the streets and roadways that the City has accepted for maintenance. Most of these maintained streets are paved where the city has the right-of-way in fee, but there are some roadways on the list that the city maintains regardless of whether the roadway corridor is owned by the city and public, whether owned by a private property owner and a prescriptive easement is in place and regardless of whether the roadway is paved or not. These streets/roadways are maintained by the City and have been since the City's incorporation.

Streets and roadways not on the System list are not maintained by the City. It is the property owner's responsibility to maintain those streets.

During the storms certain non-maintained streets were so damaged that they became impassable to police, fire and ambulance response vehicles. Recognizing a need to provide for the public health and safety so as to protect life and property, the City Manager directed that the streets be made passable. At this time we became aware that we do not have a policy that gives the manager the authority to intervene on those streets during emergencies. As a consequence, we request the Council adopt a policy that gives the manager authority to intervene on non-maintained streets so as to re-open them during emergencies. The City Attorney advises that emergency intervention does not constitute recognizing the streets as maintained roads. Nor does the deteriorated condition expose the City to litigation. He believes it is within the City's Police Power to intervene during an emergency to restore 'passability' for the primary purposes of Public Health and Safety. The responsibility for maintaining the streets will remain with the private property owners.

Policy – The City Manager, during a calamitous event such as a storm or earthquake is authorized and delegated to recognize potential threats to the public health and safety and proclaim a local emergency. The manager may within available time, resources, and personnel, reopen non-maintained streets that may have been closed by flood or disrupted by natural disaster. The purpose of the emergency intervention is to quickly make the non-maintained streets passable for emergency vehicles. The Manager is authorized to declare the emergency and open the streets in accordance with his best determination and allocation of citywide priorities and timelines. The City Manager shall report on City activities pursuant to emergency intervention at a Council meeting.