

**RESOLUTION NO. 3084-14**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR  
DECLARING THAT THE IMPAIRMENT OF POND 2 AT THE TOWN'S WATER  
RECLAMATION FACILITY CONSTITUTES AN EMERGENCY AND AUTHORIZING  
THE TOWN MANAGER OR THE PUBLIC WORKS DIRECTOR/TOWN ENGINEER  
TO PROCURE THE NECESSARY EQUIPMENT, SERVICES AND SUPPLIES FOR  
THE REPAIR OF POND 2 PURSUANT TO PUBLIC CONTRACT CODE SECTION  
22050**

**WHEREAS**, the Town of Windsor owns and operates a water reclamation facility that includes water storage ponds to store water prior to, during or after treatment; and

**WHEREAS**, the dike of one of the storage ponds, Pond 2, suddenly and unexpectedly experienced seepage of storm water coming from a surface water ditch into Pond 2; and

**WHEREAS**, on or about May 8, 2014, an engineering investigation of the seepage determined that repairs to the dike on Pond 2 will be needed before the pond can be returned to service; and

**WHEREAS**, if the Town does not have use of the Pond 2 storage capacity, it is likely that the Town would not have adequate storage capacity for the coming winter season, thus posing an imminent danger requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services; and

**WHEREAS**, urgency to complete the emergency repairs to Pond 2 is increased by the fact that the Town will need to use Pond 2 this summer to accomplish refurbishment to its ultraviolet system channels as required by the Regional Water Quality Control Board; and

**WHEREAS**, timing for the necessary completion of the repair of Pond 2 will not permit a delay resulting from a competitive solicitation for bids; and

**WHEREAS**, based on the facts set forth in the accompanying Agenda Report and the meeting at which this Resolution was considered, the Pond 2 seepage therefore has created a situation that meets the definition of an emergency under California Public Contract Code (CPCC); and

**WHEREAS**, the CPCC allows for public agencies, in event of an emergency, to procure the necessary equipment, services, and supplies for repair of a public facility without giving notice for bids to award contracts.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Windsor as follows:

1. Finds and determines that the impairment of Pond 2 constitutes an emergency;

2. Based on substantial evidence, finds and determines that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action hereby authorized is necessary to respond to the emergency;
3. Authorizes the Town Manager or the Public Works Director/Town Engineer to order any action required by the emergency, and to procure the necessary equipment, services, and supplies for repair of Pond 2 without giving notice for bids to award contracts; and
4. Authorizes the Administrative Services Director to pay all proper claims for the performance of said services.

**PASSED, APPROVED AND ADOPTED this 21<sup>st</sup> day of May 2014, by the following vote:**

**AYES: COUNCILMEMBERS FUDGE, GOBLE, SALMON, AND  
MAYOR OKREPKIE**

**NOES: NONE**

**ABSTAIN: NONE**

**ABSENT: VICE MAYOR ALLEN**



**BRUCE OKREPKIE, MAYOR**

**ATTEST:**



**MARIA DE LA O, TOWN CLERK**