

**RESOLUTION NO. 3547-19**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR  
DECLARING THAT THE IMPAIRMENT OF RECYCLED WATER POND 10 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 10 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 berm of one of the storage ponds, Pond 10, suddenly and unexpectedly experienced seepage from the pond; and

**WHEREAS**, release of recycled water from the storage ponds has the potential to enter waters of the state; and

**WHEREAS**, on or about August 27, 2019, an engineering investigation of the seepage determined that repairs to the berm on Pond 10 will be needed before the pond can be returned to service; and

**WHEREAS**, if the Town does not have use of the Pond 10 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**, the emergency repairs will involve earthwork that must be completed in dry weather; and

**WHEREAS**, timing for the necessary completion of the emergency repair of Pond 10 will not permit a delay resulting from a competitive solicitation for bids and subsequent Town Council approval; and

**WHEREAS**, based on the facts set forth in the accompanying Agenda Report and the Town Council meeting at which this Resolution was considered, the Pond 10 seepage and the seepage repair work therefore has created a situation that meets the definition of an emergency under California Public Contract Code (CPCC) Section 22050; and

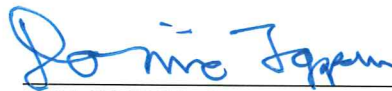
**WHEREAS**, the CPCC allows for public agencies, in event of an emergency, to procure the necessary equipment, services, and supplies for repair of a public facility without giving notice for bids to award contracts.

**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 10 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 10 without giving notice for bids to award contracts.

**PASSED, APPROVED AND ADOPTED** this 4th day of September 2019, by the following vote:

<b>AYES:</b>	<b>COUNCILMEMBERS LEMUS, OKREPKE, SALMON, VICE MAYOR FUDGE AND MAYOR FOPPOLI</b>
<b>NOES:</b>	<b>NONE</b>
<b>ABSTAIN:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>NONE</b>



**DOMINIC FOPPOLI, MAYOR**

**ATTEST:**



**MARIA DE LA O, TOWN CLERK**