

RESOLUTION NO. 544

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMADOR CITY FINDING A EMERGENCY EXISTS IN THE AMADOR CITY SEWER POND TO WIT: A SEWER SPILL AND LEAK AND FAILURE OF AN ELECTRICAL PANEL WHICH REQUIRES IMMEDIATE ACTION IN ORDER TO PREVENT OR MITIGATE THE LOSS OR IMPAIRMENT OF LIFE, HEALTH, PROPERTY OR AN ESSENTIAL PUBLIC SERVICE

WHEREAS, A recent sewage spill of the Amador City sewer pond was found to be as a result of discovered cracks in the sewer pond lining; and,

WHEREAS, the city wastewater engineer, Grant Reynolds has reported to the city in the attached letter that an unexpected emergency has arisen in that the sewer pond needs to be immediately relined and repaired in order to prevent future spills and the resultant health dangers, potential damage to the city sewer facilities and potential punitive fines from the California Regional Water Quality Control Board; and,

WHEREAS, the city wastewater engineer, Grant Reynolds, has also found that the recent failure of the pump switch panel has created an emergency situation inasmuch as the failure of the panel poses a clear and imminent danger in the operation of the sewer pond which would if not replaced immediately cause health dangers potential damage to sewer facilities and potential punitive fines from the California Regional Water Quality Control Board; and

WHEREAS, The California Public Contract Code Section 20162 requires the submission of a city contractor over the sum of \$5,000.00 dollars to be subject to competitive bidding procedures except in the case of a sudden, unexpected occurrence that proposes a clear and imminent danger requiring immediate action to prevent or mitigate the loss or impairment of life, health, property or essential public services. (California Public Contract Code Section 1102); and,

WHEREAS, California Public Contract Code Section 20168 provides that in the event of an emergency the City by a four-fifths vote of its members declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, and property and upon adoption of the resolution the city may expend any sum required in the emergency without complying with the competitive bidding statute; and,

WHEREAS, the City Engineer has estimated the cost of the repair and relining of the sewer pond and the replacement of the electrical control panel to be in the approximate cost of \$200,000; and

WHEREAS, the City Council of the City of Amador City after review of the written report of Grant Reynolds finds that an emergency situation under California Public Contract Code Section 1102 exists and by a four fifths vote has approved and directed the mayor of Amador City, Tim Knox to expend such monies as are necessary to reline and repair the sewer pond basin and the electrical control panel; and

NOW THEREFORE, The City Council of the City of Amador City, County of Amador, State of California, finds and determines the following.

1. The above recitals are true and represent findings of the City Council.
2. The City Council finds by a four-fifths vote that an emergency situation exists in the operation of the Amador City sewer pond and electrical panel servicing the sewer pond pumps.
3. That the city wastewater engineer has estimated the costs of repair and replacement of the sewer pond lining and electrical panel will be approximately \$200,000.00
4. That the competitive bidding process is superceded by the emergency situation.
5. That mayor, Tim Knox is hereby authorized by the City Council to contract with all persons or companies in order to effect such repairs.
6. That the mayor shall report back at a subsequent meeting of the City Council within 7 days as to the status of the proposed repairs and thereafter every 14 days for the purpose of subsequent City Council review of the repair and replacement project.

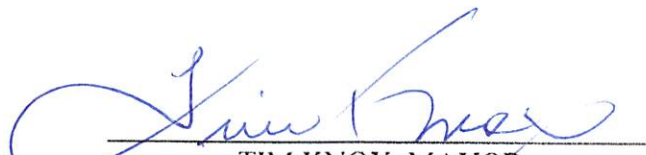
PASSED AND ADOPTED by the City Council of the City of Amador city, County of Amador, State of California on the 22 day of September, 2015 by the following vote;

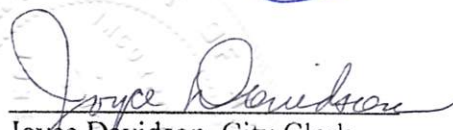
AYES: Brown, Vazquez, Knox, Marks, Swift

NOES:

ABSENT:

ABSTAIN:


TIM KNOX, MAYOR


Joyce Davidson, City Clerk.

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