

RESOLUTION NO. 2715-10

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
DECLARING THAT THE IMPAIRMENT OF WASTEWATER POND 5
CONSTITUTES AN EMERGENCY AND AUTHORIZING THE TOWN MANAGER
AND TOWN ENGINEER TO PROCURE THE NECESSARY EQUIPMENT, SERVICES
AND SUPPLIES TO REPAIR POND 5**

WHEREAS, the Town of Windsor has a wastewater reclamation facility that includes tertiary treated recycled water storage ponds; and

WHEREAS, the dike of recycled water storage Pond 5 suddenly and unexpectedly developed a sinkhole; and

WHEREAS, an evaluation as to the cause of the sinkhole has found that repairs to the dike and inlet structure and piping will be needed before the pond can be returned to service; and

WHEREAS, if the Town does not have use of the Pond 5 storage capacity, there is imminent potential that the Town would be forced to make an illegal discharge of its disinfected tertiary effluent; and

WHEREAS, immediate action is necessary to prevent loss of the essential public service of recycled water storage; and

WHEREAS, repair of the Pond 5 dike will not permit a delay resulting from a competitive solicitation for bids; and

WHEREAS, the sinkhole at the Pond 5 dike therefore has created a situation that meets the definition of an emergency under California Public Contract Code; and

WHEREAS, California Public Contract Code 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 delegates authority to the Town Manager and Town Engineer to order any action required by the emergency, and to procure the necessary equipment, services, and supplies for repair of Pond 5, without giving notice for bids to award contracts.

BE IT FURTHER RESOLVED that the Town Council authorizes the Administrative Services Director to pay all proper claims for the performance of said services.

PASSED, APPROVED AND ADOPTED this 7th day of July 2010, by the following vote:

AYES: COUNCILMEMBERS ALLEN, FUDGE, GOBLE, SCHOLAR AND
MAYOR SALMON

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE



SAM SALMON, MAYOR

ATTEST:



BRIGITTE GRAHAM, DEPUTY TOWN CLERK