

RESOLUTION NO. 4048

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD
DECLARING AN EMERGENCY PURSUANT TO SECTION 20168 OF THE PUBLIC
CONTRACT CODE, RATIFYING EXPENDITURE IN THE AMOUNT OF \$28,000,
AUTHORIZING CONTRACTING WITHOUT COMPLIANCE WITH MANDATORY
CONTRACT BIDDING PROCEDURES AND AUTHORIZING THE EXECUTION OF
AN AGREEMENT WITH SALINAS VALLEY PUMP, INC. FOR EMERGENCY
REPAIR OF WELL #9 IN AN AMOUNT NOT TO EXCEED \$60,000**

WHEREAS, City Water Well #9 broke down and could not pump water to the tank during the week of June 22, 2007; and

WHEREAS, Well #9's failure poses an immediate threat to the City's ongoing ability to provide water to the City's residents, and as such, a threat to the health and safety of said residents; and

WHEREAS, it is critical to repair Well #9 immediately in order to secure the City's ability to supply water to residents; and

WHEREAS, due to the emergency nature of the Well #9 failure, Staff has engaged services to video the well to locate the problems and has ordered a new well shaft, all at a total cost of \$28,000; and

WHEREAS, Staff estimates that the approximate total cost to complete emergency repairs to Well #9 is \$60,000, and has confirmed that Salinas Valley Pump, Inc, a company that has previously performed satisfactory services for the City, is willing and able to undertake the needed repair work; and

WHEREAS, Staff is of the opinion that with respect to the contract work that needs to be performed at Well #9 in order to address health, safety and welfare concerns associated with the City's water supply, adherence to purchase bidding requirements set forth in Chapter 3.24 of the Soledad Municipal Code and contract bidding procedures established in the Public Contract Code will result in unacceptable delays; and

WHEREAS, Section 3.24.040 of the Soledad Municipal Code provides an exception to the bidding requirements for the purchase of equipment when an emergency (defined in part as a breakdown in machinery or an essential service which requires the immediate purchase of supplies or services to protect the public health, welfare and safety) arises, and Staff is of the opinion that the circumstances involving Well #9 described herein warrant a finding that an emergency exists; and

WHEREAS, Section 20168 of the Public Contract Code provides that in the case of an emergency, the City Council, by four-fifths vote, may pass a resolution declaring that the public interest and necessity demand an immediate expenditure of public funds to safeguard life,

health, and property and that such monies may be expended without compliance with mandatory contract bidding procedures; and

WHEREAS, Section 1102 of the Public Contract Code defines emergency as a sudden, unexpected occurrence that poses a clear and imminent danger, requiring action to prevent or mitigate the loss or impairment of life, health or property and Staff is of the opinion that the circumstances surrounding the failure of Well #9 meets this definition of emergency.

NOW THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Soledad as follows:

Section 1. Based on the recitals set forth above, which are incorporated herein by reference, the City Council hereby declares that an emergency situation, as defined in both Soledad Municipal Code Chapter 3.24 and Public Contract Code Section 1102, exists with respect to the need to take immediate action to address potential threats to the public health, safety and welfare represented by the failure of City Water Well #9.

Section 2. By this Resolution and the authority granted by Soledad Municipal Code Chapter 3.24 and Public Contract Code Section 20168, the City Council finds that the public interest and necessity demand the immediate expenditure of funds to correct the failure of Well #9 without the need to comply with formal bidding procedures and authorizes staff to commence efforts to purchase equipment and obtain contractual services to perform appropriate work associated with the repair of Well #9. This includes consent to enter into an agreement with Salinas Valley Pump, Inc., in an amount not to exceed \$60,000. All costs for Well #9 repairs will be taken from the Fiscal Year 2006-2007-2007-2008 Water Fund.

Section 3. By this Resolution, it is also the Council's intent to ratify any and all actions taken by Staff to date in pursuit of repairing Well #9. It is the express intent of the Council that any expenditures previously made to diagnose problems or repair deficiencies with Well #9, including the purchase of supplies and/or equipment, are hereby ratified and further authorized and approved by adoption of this Resolution.

Section 4. The City Council directs the City Manager and Public Works Director to prepare a report concerning all corrective and responsive contractual action taken pursuant to this Resolution, including identification of the party performing the work, the scope of the work to be performed, the costs of such work and whether the emergency situation has been alleviated, for presentation at each regularly scheduled City Council meeting while the identified emergency continues.

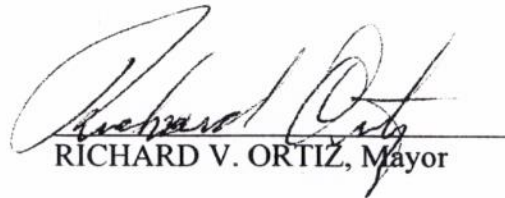
PASSED AND ADOPTED by 4/5ths of the City Council of the City of Soledad at a regular meeting duly held on the 18th of July, 2007, by the following vote:

AYES, and in favor thereof, Councilmembers: Juan Saavedra, Patricia Stephens, Mayor Pro Tem Christopher Bourke, Mayor Richard Ortiz

NOES, Councilmembers: None

ABSTAIN, Councilmembers: None

ABSENT, Councilmember: Martha Camacho


RICHARD V. ORTIZ, Mayor

ATTEST:


NOELIA F. CHAPA, City Clerk