

**RESOLUTION NO. 5000**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD  
DECLARING AN EMERGENCY PURSUANT TO SECTION 20168 OF THE PUBLIC  
CONTRACT CODE AND SECTION 3.24.040 OF THE SOLEDAD MUNICIPAL CODE  
AND AUTHORIZING EMERGENCY REPAIR WORK TO WELL NO 10 BY  
MAGGIORA BROTHERS DRILLING, INC. IN AN AMOUNT NOT TO EXCEED  
\$24,145**

**WHEREAS**, on approximately May 27, 2014, the pump on Well No. 10 was found to be not operating properly; and

**WHEREAS**, Staff called Maggiora Brothers Drilling, Inc. to assist in determining the problem, and Maggiora Brothers Drilling, Inc. has subsequently determined that the pump assembly must be replaced; and

**WHEREAS**, operation of Well No. 10 is critical to the balance of the City's water production, particularly during the coming summer months when the City's water demand is at its highest; and

**WHEREAS**, Staff is of the opinion that the lack of water production by Well No. 10, creates a real possibility that the City would be without sufficient water to meet fire suppression and public water demand needs; and

**WHEREAS**, Staff believes there is a need to perform the above referenced well maintenance, repair and remedial work on an expedited basis in order to protect the City's water supply and delivery system and ensure the general health, safety and welfare of the citizens of Soledad; and

**WHEREAS**, Staff is of the opinion that 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 of a minimum of six weeks before the City can commence action to place Well 10 back on line; 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 the failure of Well No. 10 has created a City emergency; 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 the public interest and necessity demand the 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 the circumstances surrounding the sudden dramatic failure of Well 10 created the need to take immediate action to address the cause of said failure, meeting this definition of emergency; and

**WHEREAS**, Staff and the City Manager previously determined that an emergency situation exists and authorized Staff to execute an agreement with Maggiora Brothers Drilling, Inc. to place Well 10 back into service as promptly as possible; and

**WHEREAS**, the above described materials and services needed for well repair are expected to not exceed \$24,145.

**NOW THEREFORE, BE IT HEREBY RESOLVED**, that the City Council of the City of Soledad hereby resolves as follows:

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 maintain, repair, and rehabilitate City Well No. 10 so as to ensure adequate water supply to the citizens of Soledad.
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 demanded the immediate obligation of funds to maintain, repair and rehabilitate City Well No. 10 without need to comply with formal bidding procedures, and ratifies the action of Staff and the City Manager to enter into a contract with Maggiora Brothers Drilling, Inc. to provide the necessary analytical and remedial services, in an amount not to exceed \$24,145.
3. In order to provide funding for the repair work set forth herein, the Council approves expenditure of an amount not to exceed \$24,145 from the Water Operations Fund.
4. City Staff and the City Council shall review the status of the emergency and all emergency actions taken at the Council's next regularly scheduled meeting, and at every regularly scheduled meeting thereafter, to determine whether the emergency and all work commenced in response thereto can be terminated.

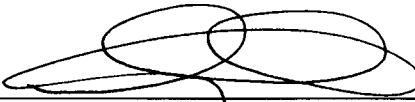
**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Soledad duly held on the 2nd day of July, 2014, by the following vote:

AYES, and in favor thereof, Councilmembers: Richard J. Perez, Patricia D. Stephens  
and Mayor Pro Tem Alejandro Chavez

NOES, Councilmembers: None.

ABSTAIN, Councilmembers: None.

ABSENT, Councilmembers: Christopher K. Bourke and Mayor Fred J.  
Ledesma

  
\_\_\_\_\_  
ALEJANDRO CHAVEZ, Mayor Pro Tem

ATTEST:

  
\_\_\_\_\_  
ADELA P. GONZALEZ, City Clerk

