

RESOLUTION NO. ____-2021

RESOLUTION OF THE FORT BRAGG CITY COUNCIL

and

RESOLUTION NO. ID ____-2021

RESOLUTION OF THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT BOARD

AUTHORIZING AND RATIFYING EMERGENCY REPAIR OF A SEWER FORCE MAIN CONNECTING THE ELM STREET PUMP STATION TO THE CITY WASTEWATER TREATMENT FACILITY AND AUTHORIZING THE CITY/DISTRICT MANAGER TO COMPLETE AND EXECUTE RELATED AGREEMENTS AND DOCUMENTS

WHEREAS, on June 23, 2021, at approximately 3:00am the alarm at the Elm Street Pump Station alerted City staff to high wet well levels; and

WHEREAS, after an initial assessment, it was discovered that the connecting sewer force main had burst resulting in an eight inch hole and as a result the pressure in the sewer line needed to move the liquid from the pump station to the City's Wastewater Treatment Facility was insufficient; and

WHEREAS, the level of liquid waste in the Elm Street pump station wet well was close to exceeding capacity, at which point would result in a reportable sewer spill; and

WHEREAS, City staff responded by continuously pumping waste from the pump station wet well into two Trucks and transporting it to the nearest sewer manhole intake; and

WHEREAS, continuous transporting of waste required continuous running of two pumps that on an average day would operate for three hours or less; and

WHEREAS, maintaining the twenty-four (24) hour a day operation of pumping and transporting waste to the nearest sewer manhole intake was unsustainable for the City's equipment and staffing resources; and

WHEREAS, repair of the sewer force main was critical to avoid waste reaching the top of the wet well and creating a sewage spill risking public health, safety and property damage; and

WHEREAS, by morning on June 24, 2021, City staff was able to secure emergency response from contractors to reroute and bypass the sewer from the Elm Street Pump Station to an available sewer intake and to repair the sewer force main, and the contractors were able to complete the repairs before the end of the day on June 25, 2021; and

WHEREAS, emergency contracting procedures are set forth in the Fort Bragg Municipal Code and the Public Contract Code to expedite emergency repairs; and

WHEREAS, Public Contract Code provides the following:

22050. (a) (1) In the case of an emergency, a public agency, pursuant to a four-fifths vote of its governing body, may repair or replace a public facility, take any directly

related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.

(2) Before a governing body takes any action pursuant to paragraph (1), it shall make a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency.

(b) (1) The governing body, by a four-fifths vote, may delegate, by resolution or ordinance, to the appropriate county administrative officer, city manager, chief engineer, or other nonelected agency officer, the authority to order any action pursuant to paragraph (1) of subdivision (a).

20168. In case of an emergency, the legislative body may pass a resolution 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, or property. Upon adoption of the resolution, it may expend any sum required in the emergency without complying with this chapter. If notice for bids to let contracts will not be given, the legislative body shall comply with Chapter 2.5 (commencing with Section 22050); and

WHEREAS, the Fort Bragg Municipal Code is consistent with Public Contract Code by providing the following:

Section 3.20.030

D. In case of an emergency, when public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property.

G. When, by a four-fifths vote, the District Board specifically waives the procedures described in this chapter and authorizes staff to negotiate the purchase; and

WHEREAS, based on all the evidence presented, the City Council/District Board finds as follows:

1. Immediate response and repair of the burst sewer force main at the Elm Street Pump Station was necessary to avoid a sewer spill and to protect public health, safety and property damage.
2. Competent contractors were hired to respond to the emergency and complete the needed repairs.
3. Wastewater Enterprise Funds are available to complete the emergency project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg/District Board of the Fort Bragg Municipal Improvement District No. 1 does hereby ratify and approve the completion of emergency work according to the codes listed herein and authorizes the City/District Manager to execute and complete contracts and related paperwork to finalize the repairs.

The above and foregoing Resolution was introduced by Council/Board Member _____, seconded by Council/Board Member _____, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg/District Board of the Fort Bragg Municipal Improvement District No. 1 held on the 28th day of June, 2021, by the following vote:

**AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:**

**Bernie Norvell
Mayor/Chair**

ATTEST:

**June Lemos, CMC
City/District Clerk**