

## RESOLUTION NO. 17-315

### **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MISSION HILLS COMMUNITY SERVICES DISTRICT DECLARING AN EMERGENCY AND AUTHORIZING THE IMMEDIATE EXPENDITURE OF FUNDS TO REPAIR THE DISTRICT'S WASTEWATER TREATMENT FACILITY**

**WHEREAS**, the Mission Hills Community Services (the "District") is a community services district duly formed under California Government Code Section 61000 *et seq.* to provide community services within the District's service area ("District Service Area"), including water and sewer services; and

**WHEREAS**, the District owns, operates and maintains a sanitary sewer system including wastewater treatment facilities, percolation ponds, sewer mains, and other appurtenances, facilities and necessary improvements; and

**WHEREAS**, the reliable operation of the District's wastewater treatment facility is necessary for the District to safely provide sewerage services to its residents; and

**WHEREAS**, with the recent storms the District discovered that its wastewater treatment system was not operating correctly rendering the treatment system unfit to properly operate without immediate corrective action and creating an imminent threat to the public health, safety and welfare; and

**WHEREAS**, multiple tears in the seams of Pond #1 liner were discovered after the recent storms, creating an emergency situation. Immediate steps must be taken to clean up and remove the sludge and water in order to commence repairs. This work must be undertaken immediately in order to preserve the health, safety and welfare of the public served by the Wastewater Treatment Plant.

**WHEREAS**, pursuant to Public Contract Code Section 22050, the Board of Directors deems it is in the public interest, to immediately authorize the expenditure of District funds needed to safeguard the health, safety and welfare of the residents of the Mission Hills community and immediately repair the District's wastewater treatment system; and

**WHEREAS**, the Board of Directors further finds that the need for immediate repair of the District's wastewater treatment system, to clean up and remove the sludge and water in order to commence and complete repairs to the liner in Pond #1, in order to protect the public health, safety and welfare will not permit a delay resulting from a competitive solicitation for bids and that prompt action, including authorization to expend all funds for such repair without competitive bidding, is necessary to respond to the emergency described herein.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MISSION HILLS COMMUNITY SERVICES DISTRICT** that the public interest and necessity demand the immediate expenditure of approximately \$50,000.00 of funds for the District to safeguard the public health, safety and welfare, without strict compliance with the provisions of Public Contract Code; the sum of up to \$50,000.00 shall be used to begin immediate repairs to the District's wastewater treatment system, to clean up and remove the sludge and water in order to commence and complete repairs to the liner in Pond #1, which will provide the necessary health and safety protections as well as security for the public.

**BE IT FURTHER RESOLVED**, that the District's General Manager is authorized to enter into any contract or agreement in order to immediately repair and rehabilitate the wastewater treatment system, to clean up and remove the sludge and water in order to commence and complete repairs to the liner in Pond #1, and to report back to the Board of Directors regarding said activity at its next regularly scheduled meeting, pursuant to Public Contracts Code Section 22050. All acts of the General Manager in addressing this emergency taken prior to the effective date hereof are hereby duly ratified by the Board of Directors.

On motion of Director Heavin, seconded by Director Mac Kenzie, and on the following roll call vote, to-wit:

AYES:	Directors:	Dietrich, Heavin, Fasold, Mac Kenzie, Nix
NOES:		none
ABSENT:		none

The foregoing Resolution is hereby adopted this 22<sup>nd</sup> day of February, 2017.

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Walt Fasold, President  
Board of Directors

ATTEST:

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Casey Fowler, Secretary to the Board

APPROVED AS TO FORM:

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Ziyad I. Naccasha, District Counsel