

## RESOLUTION NO. 17-317

### **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 AND DETERMINE THAT THERE IS NO LONGER A NEED FOR EMERGENCY ACTION.**

**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.

**WHEREAS**, the Board of Directors adopted Resolution No. 17-315 with a unanimous vote at the February 22, 2017 regular meeting, declaring an emergency, authorizing the immediate expenditure of funds to repair the District's wastewater treatment facility and related appurtenances and ratifying all acts of the General Manager taken to address the emergency prior to the effective date of Resolution No. 17-315; and

**WHEREAS**, the Board of Directors at the following meetings; March 15, April 19, May 17, July 19, August 16, September 20, October 18, and November 15, 2017 reviewed the emergency action taken by the General Manager. The Board of Directors further determined that there was still a need for emergency action.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MISSION HILLS COMMUNITY SERVICES DISTRICT** that there is no longer a need for emergency action as set forth in Resolution No. 17-315. Therefore, any future action taken by the District will require the District to comply with any applicable public bidding requirements.

**BE IT FURTHER RESOLVED**, the Board of Directors reviewed the emergency action taken by the General Manager. The Board of Directors declares all acts of the General Manager in addressing this emergency are hereby duly ratified by the Board of Directors.

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

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

The foregoing Resolution is hereby adopted this 20<sup>th</sup> day of December, 2017.

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Walt Fasold, President  
Board of Directors

ATTEST:

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Casey Fowler, Secretary to the Board