

DATE SUBMITTED 08/09/2023  
 SUBMITTED BY Public Services  
 DATE ACTION REQUIRED 08/16/2023

COUNCIL ACTION ( )  
 PUBLIC HEARING REQUIRED ( )  
 RESOLUTION ( )  
 ORDINANCE 1<sup>ST</sup> READING ( )  
 ORDINANCE 2<sup>ND</sup> READING ( )  
 CITY CLERK'S INITIALS ( )

**IMPERIAL CITY COUNCIL  
 AGENDA ITEM**

SUBJECT: Continue Emergency of Manhole in Area 13 <sup>th</sup> St & C St	<b>DISCUSSION/ACTION:</b>  1. Discuss, approve/disapprove: Continue Emergency of Manhole in Area 13 <sup>th</sup> St & C St
DEPARTMENT INVOLVED: Public Services - Wastewater	
BACKGROUND/SUMMARY:  On Tuesday, June 25, 2023, it was discovered that there was a manhole partially collapsed. If this manhole was to completely collapse the conveyance of wastewater to the plant or nearest pump would cease thereby causing health and safety issues to the community.  An emergency was declared by the City Manager that same day. Repairs to the damage are currently underway. City Council acted on August 02, 2023 to approve Resolution No. 2023-51.  A & R Construction was called in to start the emergency repairs. All work is being conducted by A & R Construction and City Staff. At this time, there is no estimate of time or costs. An update will be provided to Council as information becomes available.	
FISCAL IMPACT: Unknown	FINANCE INITIALS <u>DP</u>
STAFF RECOMMENDATION: Continue Emergency	DEPT. INITIALS <u>J</u>
MANAGER'S RECOMMENDATION: <i>approve stop recommendation</i>	CITY MANAGER'S INITIALS <u>JHM</u>
MOTION:   SECONDED: APPROVED ( ) REJECTED ( ) AYES: DISAPPROVED ( ) DEFERRED ( ) NAYES: ABSENT: REFERRED TO:	

**RESOLUTION NO. 2023-51**

**A RESOLUTION DECLARING AN EMERGENCY,  
AUTHORIZING THE CITY MANAGER TO TAKE SUCH  
ACTION AS MAY BE NECESSARY IN RESPONSE  
THERE TO AND RATIFYING ACTION TAKEN TO DATE**

**WHEREAS**, the City operates and maintains a wastewater treatment plant (“WWTP”) and associated collection system; and

**WHEREAS**, wastewater generated in the City is delivered to the WWTP by way of an underground collection system (“Collection System”); and

**WHEREAS**, the Collection System includes manholes, including one located in the vicinity of 13<sup>th</sup> St. & C St. (“Manhole”); and

**WHEREAS**, the Manhole has partially collapsed. If Manhole collapses entirely this could cause failure in the Collection System at the aforesaid location that would impact the proper conveyance of wastewater for a substantial segment of the community resulting in potential backups and other associated issues; and

**WHEREAS**, such backup would potentially expose persons and property to injury and damage; and

**WHEREAS**, the above described conditions constitute an emergency under applicable law and such emergency would not reasonably permit delays associated with a competitive solicitation for bids and the actions authorized herein are necessary to respond to the emergency; and

**WHEREAS**, in order to safeguard the public health and safety and to protect property, it is necessary to take immediate action to repair the Collection System and Manhole; and

**WHEREAS**, the City Council wishes to delegate authority to the City Manager to take such action as may be necessary to repair the Manhole and Collection System, ratify action already taken and otherwise address the emergency as described herein.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL DOES RESOLVE, DETERMINE, AND ORDERS AS FOLLOWS:**

**SECTION 1.** The preceding recitals are true and correct.

**SECTION 2.** The City Council declares that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property, and hereby delegates to the City Manager the authority to take such immediate action as may be necessary to safeguard life, health or property in connection with repair to the Manhole and Collection System in accordance with Public Contracts Code Sections 20168 and 22050 and without otherwise complying with bid requirements required by law.

**SECTION 3.** The City Council authorizes action set forth herein and further ratifies action authorized by the City Manager taken to date to address the failure of the Collection System and potential collapse of the Manhole on the basis that the emergency described herein will not permit a delay resulting from a competitive solicitation of bids and the action is necessary to respond to the emergency.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Imperial on the 2<sup>nd</sup> day of August, 2023.

  
\_\_\_\_\_  
KATHERINE BURNWORTH,  
Mayor

ATTEST:

  
\_\_\_\_\_  
KRISTINA M. SHIELDS,  
City Clerk

**CERTIFICATION**

I, Kristina M. Shields, City Clerk of the City of Imperial, California, hereby certify that the foregoing resolution was duly adopted at a meeting of the City Council of said City at its meeting held on the 2<sup>nd</sup> of August, 2023, by the following vote, to wit:


**AYES:** Mendoza, Obeso-Martinez, Tucker & Mayor Burnworth

**NOES:**

**ABSENT:** Amparano

**ABSTAIN:**

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of Imperial, California, this 2<sup>nd</sup> day of August, 2023.

  
\_\_\_\_\_  
KRISTINA M. SHIELDS,  
City Clerk