

RESOLUTION NO. 2016 - 4584

**A RESOLUTION AUTHORIZING THE EMERGENCY REPAIR
OF CERTAIN WATER AND SEWER LINES**

WHEREAS, the City Council of the City of Pell City has been advised by the City Manager and the City's consulting utility engineer that a portion of the water and sewer lines crossing Easonville Creek are exposed due to erosion and washing of the Creek bottom and that the exposed water and sewer lines are currently in a defective condition; and,

WHEREAS, the City Council has been advised that the City should act immediately to repair the damaged portion of the above-described water and sewer lines because further exposure of said lines to environmental conditions could result in a catastrophic failure of the lines and because the lines are located below the summer pool level of Logan Martin Lake, which level will be achieved in approximately six weeks, and completing the repair of the failing lines will be substantially more difficult and expensive after the summer pool level is achieved; and,

WHEREAS, the impending failure of the above-described water and sewer lines threatens the City's ability to satisfy its fundamental responsibilities to provide for the public health, safety, and welfare of its citizens; and,

WHEREAS, the failure of the above-described water and sewer lines would be a danger to public health, safety, and convenience because a failure of the sewer line would result in the contamination of Easonville Creek and the failure of the water line would result in a loss of redundancy for water service and a loss of water available for fire prevention for citizens served by said line; and,

WHEREAS, it would be imprudent and dangerous to the citizens of the City of Pell City to delay the repair of the above-described failing water and sewer lines in order to comply with the competitive bid requirements and public advertisement requirements of the Alabama Public Works law; and,

WHEREAS, pursuant to §39-2-2(e), Ala. Code 1975, the City Council desires to declare the repair of the failing water and sewer lines crossing Easonville Creek, and all work related thereto, an emergency affecting public health, safety, or convenience, as defined by such statute, and to authorize the City Manager to immediately proceed in repairing the failing portion of the water and sewer lines without a prior public advertisement for bids.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
PELL CITY, ALABAMA, AS FOLLOWS:**

1. That the repair of the failing water and sewer lines crossing Easonville Creek, and all work related thereto, is an emergency affecting public health, safety, or convenience, as defined by §39-2-2(e), Ala. Code 1975, for the reasons stated above, which are expressly incorporated herein.
2. That the City Manager be, and he hereby is, authorized to expend an amount not to exceed \$182,525.00 to repair the failing portion of the water and sewer lines and all work related thereto.
3. That, in accordance with §39-2-2(e), Ala. Code 1975, the City Clerk shall immediately make public the emergency expenditure described herein and the reasons therefor by posting this Resolution in a conspicuous place in City Hall and on the City's website.

ADOPTED AND APPROVED this the 14th day of March, 2016.

ATTEST:


James McGowan, Council President


Penny Isbell, City Clerk

APPROVED this 14th day of March, 2016.

ATTEST:


Penny Isbell, City Clerk


Joe T. Funderburg, Mayor