

## **RESOLUTION NO. 1250**

**A RESOLUTION OF THE BROKEN ARROW CITY COUNCIL DECLARING AN EMERGENCY AS A RESULT OF A SANITARY SEWER TRUNK LINE BREAK RESULTING IN A COLLAPSED JUNCTION MANHOLE FOR THE BROKEN ARROW CREEK TRUNK SEWER AND THE COUNTY LINE TRUNK SEWER EAST OF SOUTH 177TH EAST AVE AND NORTH OF JASPER STREET (131ST STREET); ACTIVATION OF THE CITY'S EMERGENCY OPERATION PROTOCOLS, INCLUDING WAIVING STATE AND LOCAL PROVISIONS PERTAINING TO COMPETITIVE BIDDING AS ALLOWED BY LAW; AUTHORIZING AN INFORMAL BIDDING PROCESS; AUTHORIZING THE CITY MANAGER TO EXECUTE EMERGENCY CONTRACTS AS NECESSARY FOR REPAIRS AND ANY SUBSEQUENT CRITICAL EVENTS; PROVIDING FOR THE TERMINATION AND EXTENSION OF THE PROVISIONS OF THIS RESOLUTION; AND DIRECTING THE CITY MANAGER TO CARRY OUT ALL APPLICABLE PROVISIONS**

**WHEREAS**, on June 11, 2019, representatives of the Utilities Department were advised that a sinkhole, approximately twenty feet (20') in diameter, had formed around a seventeen foot (17') deep junction manhole that serves two intersecting sewer trunk lines, including a twenty-seven inch (27") reinforced concrete pipe line and twenty-four inch (24") sewer line east of south 177<sup>th</sup> East Avenue and north of Jasper Street (131<sup>st</sup> Street); and

**WHEREAS**, Utilities Department crews reported to the area and discovered that the junction manhole was broken just below the surface and raw sewage had infiltrated within the five feet (5') of the surface area; and

**WHEREAS**, Utilities Department crews stabilized and excavated the sinkhole and discovered the connecting pipe between the twenty-four inch (24") sanitary sewer line and the junction manhole had collapsed resulting in uncontained raw sewerage discharging into the open sinkhole;

**WHEREAS**, the Utilities Department crews were unable to excavate the sink hole to the depth necessary to inspect the twenty-seven inch (27") sanitary sewer line but it appeared this line may have also collapsed or otherwise experienced a significant failure; and

**WHEREAS**, the affected trunk sewer lines are a critical part of the City of Broken Arrow's overall sanitary sewer infrastructure in that a significant amount of the City's sewage material is transported through these trunk lines to the Lynn Lane Waste Water Treatment Plant; and

**WHEREAS**, the collapse of the twenty-four (24') sewer line resulting in the continued bypass of the sewer system and infiltration of raw sewage into the sinkhole and outside of the closed system prior to treatment could potentially affect the health, safety, and welfare of Broken Arrow citizens, as well as residents in the area and downstream of the overflows; and

**WHEREAS**, in order to repair the trunk line and restore service in the closed system, it is necessary to utilize private contractors in conjunction with City Utilities crews to open cut the twenty foot (20') sinkhole, utilize shoring equipment to stabilize the open trench, excavate to a

depth beyond twenty feet (20') and utilize pumps to bypass the sewage discharge to effectuate the necessary repairs; and

**WHEREAS**, it is further necessary to expeditiously purchase materials and supplies required for repairs to the failed trunk line; and

**WHEREAS**, said repairs need to be done as soon as possible, as there is no alternative for the transportation of sewage material in the area to the waste water treatment plant; and

**WHEREAS**, in accordance with the provisions of the Broken Arrow Code of Ordinances, the City Manager is authorized to facilitate repair of the trunk line and, in accordance with the provisions of the Broken Arrow Code of Ordinances, and within his authority, recommends the hiring of a private contractor to make the identified repairs; and

**WHEREAS**, it is reasonable and proper for the City Council to authorize the City Manager decision to purchase the pipe and all other materials and supplies necessary to effectuate repair of the trunk line and hire a private contractor to make the identified repairs; and

**WHEREAS**, the break in the sanitary sewer trunk line and constitutes a natural emergency as defined in Section 9-1 of the Broken Arrow Code justifying adoption of a Resolution to such effect; and

**WHEREAS**, the break in the sanitary sewer trunk line and seventeen foot (17') deep junction manhole constitutes an emergency as defined by the Oklahoma Public Competitive Bidding Act of 1974, as it is a condition resulting from a sudden, unexpected happening, and an unforeseen occurrence and condition whereby the public health and safety is potentially endangered; and

**WHEREAS**, immediate attention has been required and continues to be required to protect the public health, safety and welfare, insure public safety and provide for the worst case scenario; and

**WHEREAS**, this sanitary sewer trunk line break constitutes a significant event as defined in the Oklahoma Emergency Management Act of 2003, and justifies declaration of an emergency and notification to the Oklahoma Department of Emergency Management; and

**WHEREAS**, during this period of declared emergency, it is necessary and prudent that the City Manager be able to take action and implement policies quickly and expeditiously in the best interest of the residents of the City of Broken Arrow; and

**WHEREAS**, the procedures set forth in the Public Competitive Bidding Act codified in 61 O.S. § 101, *et seq.*, and § 2-28 of the Broken Arrow Code will take in excess of sixty (60) days; and

**WHEREAS**, it is estimated that the savings that would occur as a result of the competitive bidding process would not be sufficient to justify the potential danger to the health and safety of the public; and

**WHEREAS**, it is necessary that the City Manager be able to enter into contracts quickly and expeditiously during this time of declared emergency, in order to serve the residents of Broken Arrow; and

**WHEREAS**, it is further necessary that during this period of declared emergency, it is necessary and prudent that the City Manager be able to take action and implement policies quickly and expeditiously in the best interest of the residents of the City of Broken Arrow; and

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROKEN ARROW THAT** an emergency exists due to the sanitary sewer trunk line break, the resultant overflows and unintentional, unpermitted discharges onto private property and City infrastructure, all of which compromises the health, safety, and welfare of the public; and

**BE IT FURTHER RESOLVED THAT** the City of Broken Arrow, its agents, employees, contractors and assigns are hereby authorized to enter onto private and public property for the purpose of repairing the City's trunk line and remediating the affected areas of the unpermitted discharges; and

**BE IT FURTHER RESOLVED THAT** the City of Broken Arrow, its agents, employees, contractors, and assigns will suffer neither liability nor be responsible for any damages caused to private or public property during this emergency; and

**BE IT FURTHER RESOLVED THAT** City staff is prepared for full activation of the City's Emergency Operations Protocols; and

**BE IT FURTHER RESOLVED THAT** during this period of declared emergency, the City Manager is hereby authorized and directed to exercise the power possessed by the City Manager as set forth in the Code of Ordinances, in state law, and as directed by this Resolution, and to further expressly take all actions necessary in the best interest of the citizens of Broken Arrow, in keeping with the policies of the City; and

**BE IT FURTHER RESOLVED THAT** the City Manager is authorized to purchase pipe and other supplies necessary for repairs and hire a private contractor to make the identified repairs; and

**BE IT FURTHER RESOLVED THAT** the City Manager is expressly authorized to contact other political subdivisions and the State of Oklahoma pursuant to mutual aid agreements, the state mutual aid agreement, and in accordance with state law, as are necessary in his judgment; and

**BE IT FURTHER RESOLVED THAT** the City Manager is hereby authorized to accept all services, equipment, supplies and aid from other political subdivisions, agencies, and the State of Oklahoma in assistance with this emergency; and

**BE IT FURTHER RESOLVED THAT** the City Council hereby authorizes and directs that the amounts set forth in the Broken Arrow Code which defines the limits of the contracting authority for the City Manager are hereby suspended during the effective period of this Resolution and the City Manager is hereby authorized to contract for, purchase, or issue purchase

authorizations as provided in the Code, but without necessity of the approval of the City Council; and

**BE IT FURTHER RESOLVED THAT** the City Council hereby waives the competitive bidding procedure, authorizes an informal bidding process, and authorizes the City Manager to execute emergency contracts and bonds as are necessary in the repair of the trunk line and any subsequent catastrophic event; and

**BE IT FURTHER RESOLVED THAT** the provisions of the Resolution shall expire thirty (30) days from this date; and

**BE IT FURTHER RESOLVED THAT** the City Council may terminate or extend the provisions of this Resolution prior to said date of expiration; and

**BE IT FURTHER RESOLVED THAT** these actions are all take for the health, safety and general welfare of the City of Broken Arrow and its residents.

**ADOPTED BY THE BROKEN ARROW CITY COUNCIL** this 17<sup>th</sup> day of June, 2019.

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MAYOR

ATTEST:

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(SEAL) CITY CLERK

**APPROVED AS TO FORM:**

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CITY ATTORNEY