

CITY OF CROCKETT, TEXAS

RESOLUTION NO. R-09B-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CROCKETT, TEXAS, DECLARING AN EMERGENCY CONDITION AT THE SOUTHSIDE WASTEWATER TREATMENT PLANT RESULTING FROM THE FAILURE AND DAMAGE OF A SECONDARY CLARIFIER; FINDING THAT THE IMMEDIATE REPAIR OF THE CLARIFIER IS NECESSARY TO PRESERVE AND PROTECT THE PUBLIC HEALTH AND SAFETY AND IS NECESSARY BECAUSE OF UNFORESEEN DAMAGE TO PUBLIC MACHINERY AND EQUIPMENT; AUTHORIZING AN EXEMPTION FROM COMPETITIVE PROCUREMENT REQUIREMENTS PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §252.022(a)(2) AND (3); APPROVING THE EMERGENCY REPAIR OF THE CLARIFIER WITH A NOT TO EXCEED AMOUNT; AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE NECESSARY DOCUMENTS AND TAKE ACTION TO COMPLETE THE EMERGENCY REPAIR; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Crockett owns and operates the Southside Wastewater Treatment Plant ("Plant") for the collection, treatment, and lawful discharge of wastewater generated within the City's wastewater utility system; and

WHEREAS, the Plant operates under a wastewater discharge permit issued and regulated by the Texas Commission on Environmental Quality ("TCEQ") and must continuously maintain treatment processes and equipment necessary to properly treat wastewater and comply with applicable permit requirements; and

WHEREAS, the Plant utilizes two clarifiers as essential components of its wastewater treatment process, and proper operation of both clarifiers is necessary for the Plant to maintain its required treatment process and reliably operate in accordance with its permit; and

WHEREAS, a gear failure occurred on one of the Plant's clarifiers, causing resulting damage to the clarifier and rendering the unit inoperable; and

WHEREAS, because the Plant has only two clarifiers, the loss of one clarifier substantially impairs the Plant's treatment capacity and prevents the Plant from maintaining its normal permitted treatment process, creating an immediate risk to the City's ability to properly treat wastewater and maintain compliance with its TCEQ discharge permit; and

WHEREAS, failure to promptly restore the damaged clarifier to operation could result in inadequate wastewater treatment, permit violations, unauthorized or inadequately treated discharges, environmental impacts, and conditions affecting the public health and safety of the residents of the City of Crockett and surrounding areas; and

WHEREAS, Environmental Improvements, Inc ("Contractor"), a company specializing in clarifier maintenance and repair and having prior experience working on this equipment for the City of Crockett, has responded to the Plant, inspected the damaged clarifier, verified the nature and extent of the damage, and identified the repairs necessary to restore the clarifier to service, as more particularly described in Exhibit "A," attached hereto and incorporated herein; and

WHEREAS, the Contractor has represented that it has the specialized experience, personnel, materials, equipment, and access to the necessary replacement parts required to perform the repairs and is able to immediately schedule and mobilize for the work, thereby substantially reducing the time that this critical treatment equipment remains out of service; and

WHEREAS, the Contractor has submitted a proposal for the necessary emergency repairs in the amount of \$ _____, attached hereto as Exhibit "A" and incorporated herein; and

WHEREAS, Texas Local Government Code §252.022(a)(2) provides that the competitive procurement requirements of Chapter 252 do not apply to "a procurement necessary to preserve or protect the public health or safety of the municipality's residents"; and

WHEREAS, Texas Local Government Code §252.022(a)(3) further provides that the competitive procurement requirements of Chapter 252 do not apply to "a procurement necessary because of unforeseen damage to public machinery, equipment, or other property"; and

WHEREAS, the City Council finds that the gear failure and resulting damage to the clarifier constitute unforeseen damage to public machinery and equipment and that the immediate repair of the clarifier is necessary to preserve and protect public health and safety, restore the Plant's required treatment process, protect the environment, and maintain compliance with applicable wastewater discharge requirements; and

WHEREAS, because of the critical nature of the failed equipment and the need to restore the clarifier to operation as quickly as reasonably possible, delaying the repair for competitive procurement would unnecessarily prolong the emergency condition and increase the City's risk of treatment deficiencies and regulatory noncompliance; and

WHEREAS, the proposed work consists of the maintenance, repair, and replacement of damaged components of an existing clarifier for the purpose of restoring the equipment to its original design, configuration, capacity, and intended function and does not contemplate an expansion, redesign, alteration of treatment capacity, or modification of the engineered treatment process; and

WHEREAS, the City Council desires to authorize the emergency procurement and immediate commencement of the repairs described in Exhibit "A," subject to all applicable laws and regulatory requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CROCKETT, TEXAS:

SECTION 1. FINDINGS

The foregoing recitals are hereby found to be true and correct, are adopted as findings of the City Council, and are incorporated into this Resolution for all purposes.

SECTION 2. DECLARATION OF EMERGENCY

The City Council hereby finds and declares that the failure and resulting damage to the clarifier at the Southside Wastewater Treatment Plant constitutes an emergency condition requiring immediate action to restore critical wastewater treatment equipment to operation.

The City Council further finds that immediate repair is necessary to protect the City's wastewater treatment system, preserve and protect public health and safety, protect the environment, and maintain compliance with applicable TCEQ wastewater treatment and discharge requirements.

SECTION 3. COMPETITIVE PROCUREMENT EXEMPTION

The City Council hereby finds that the procurement of the labor, materials, equipment, parts, and services necessary to repair and restore the damaged clarifier qualifies for exemption from the competitive procurement requirements of Chapter 252 of the Texas Local Government Code pursuant to:

- (a) Texas Local Government Code §252.022(a)(2), as a procurement necessary to preserve or protect the public health or safety of the municipality's residents; and
- (b) Texas Local Government Code §252.022(a)(3), as a procurement necessary because of unforeseen damage to public machinery, equipment, or other property.

Accordingly, the City Council finds that competitive bidding or competitive procurement is not required for this emergency procurement.

SECTION 4. APPROVAL OF EMERGENCY REPAIR

The City Council hereby approves the emergency repair of the damaged clarifier by Environmental Improvements, Inc. in accordance with the scope of work and proposal attached as Exhibits "A" in an amount not to exceed \$_____, unless additional expenditures are subsequently authorized in accordance with applicable law.

SECTION 5. NATURE AND SCOPE OF REPAIR

The City Council finds that the work authorized by this Resolution is intended solely to repair and restore the existing clarifier to its original engineered design, configuration, capacity, and intended operational function.

The authorized work shall not include any material redesign, expansion, increase in treatment capacity, alteration of the treatment process, or other modification outside the existing engineered design unless separately reviewed and authorized in accordance with applicable law.

SECTION 6. ENGINEERING AND REGULATORY COMPLIANCE

The City Administrator is authorized to proceed with the repair as maintenance and restoration of the existing equipment within its existing engineered design and specifications and to obtain any engineering review, inspection, regulatory approval, or other professional service that may become required by law or by the nature of conditions discovered during the repair.

If conditions are discovered that require modification or redesign of the existing engineered system, work involving such modification or redesign shall not proceed except in accordance with applicable engineering and regulatory requirements.

SECTION 7. AUTHORITY OF CITY ADMINISTRATOR

The City Administrator is hereby authorized and directed to execute purchase orders, contracts, notices to proceed, and other documents reasonably necessary to implement this Resolution and to take such administrative actions as are necessary to cause the emergency repair to commence and be completed as expeditiously as reasonably possible.

SECTION 8. SEVERABILITY

If any provision, section, subsection, sentence, clause, or phrase of this Resolution is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Resolution shall not be affected thereby.

SECTION 9. EFFECTIVE DATE

This Resolution shall take effect immediately upon its passage and approval.

PASSED AND APPROVED by the City Council of the City of Crockett, Texas, on this 21st day of September, 2026.

CITY OF CROCKETT, TEXAS

Dr. Ianthia Fisher, Mayor

ATTEST:

Selena Eleby, Interim City Secretary