

## RESOLUTION NO. 23-07

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA MEMORIALIZING A DECLARATION OF EMERGENCY AS TO THE TASK ORDER FOR PROFESSIONAL ENGINEERING SERVICES FOR LAKE MARIE FLOODING AND APPROVING THE AGREEMENT WITH FLORIDA LAND DEVELOPMENT CORP FOR EMERGENCY PUMPING SERVICES FOR LAKE MARIE FLOODING; MAKING A FINDING OF EMERGENCY UNDER STATE LAW AND SECTION 2-159(c)(2) OF THE CODE OF ORDINANCES OF THE TOWN OF DUNDEE; AND AUTHORIZING THE TOWN MANAGER TO TAKE ANY AND ALL NECESSARY FURTHER ACTIONS INCLUDING, BUT NOT LIMITED TO, APPROVING THE TASK ORDER FOR PROFESSIONAL ENGINEERING SERVICES FOR LAKE MARIE FLOODING AND APPROVING THE AGREEMENT WITH FLORIDA LAND DEVELOPMENT CORP FOR EMERGENCY PUMPING SERVICES FOR LAKE MARIE FLOODING.**

**WHEREAS**, circumstances have arisen requiring emergency action on the part of Town of Dundee management to ensure the health, safety, and general welfare of the citizens and residents of the Town of Dundee, Florida; and

**WHEREAS**, the Town Commission of the Town of Dundee (the "Commission") acknowledges the health, safety, and general welfare concerns created by the high-water levels caused by Hurricane Ian and the commingling of Lake Marie and nearby stormwater ponds; and

**WHEREAS**, the Commission also acknowledges the traditionally high rain volume received during summer months which, in light of the remaining drainage and high-water levels related to Lake Marie, presents a significant threat to the health, safety and welfare of the adjoining properties and property owners; and

**WHEREAS**, on April 14, 2020, the Commission approved, at a duly noticed public meeting, Resolution 20-12 affirming the selection of Carter and Kaye Engineering, LLC; approving the master continuing professional consulting agreement for consulting services between the City of Winter Haven, Florida, and consultant; and authorizing the Town Manager to negotiate and execute all agreements and task orders; and

**WHEREAS**, on April 11, 2023, the Commission authorized and approved, at a duly noticed public meeting, the Town Manager's action(s) in approving Task Order 23-01 For Professional Services For Lake Marie Flooding with Carter and Kaye Engineering, LLC (the "Task Order"); and

**WHEREAS**, a copy of the Task Order is attached hereto as **Exhibit "A"** and made a part hereof by reference; and

**WHEREAS**, on April 11, 2023, the Commission authorized and approved, at a duly noticed public meeting, the Town Manager to take any and all necessary further action(s) in order to address the flooding issue(s) located at Lake Marie which includes, but is not limited to, negotiating and entering into an agreement with Florida Land Corp for emergency pumping services for the flooding at Lake Marie (the "Agreement"); and

**WHEREAS**, a copy of the Agreement is attached hereto as **Exhibit "B"** and made a part hereof by reference; and

**WHEREAS**, Town has an immediate need for the emergency engineering and pumping services for the flooding at Lake Marie; and

**WHEREAS**, the Town Commission of the Town of Dundee acknowledges and agrees that circumstances and conditions continue to exist requiring the Town to enter into the Task Order and the Agreement (collectively referred to as the "Agreements"); and

**WHEREAS**, pursuant to Section 2-159(3)b of the Town of Dundee Code of Ordinances, the Town acknowledges and agrees that this Agreements constitute an emergency purchase made in response to a requirement when the delay incident to complying with all governing rules, regulations, and procedures would be detrimental to the health, safety and welfare of the town and/or its citizens; and

**WHEREAS**, the delay incident in strictly complying with all governing rules, regulations, and public bidding procedures and/or Town procurement requirements in this instance would be detrimental to the health, safety and welfare of the Town Employee's and the Town citizens and residents.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA:**

**SECTION 1:** The Town Commission declares that the foregoing recitals are true and hereby factually finds as such.

**SECTION 2:** The Town Commission finds that an “emergency” as defined in Section 2-159(c)(2), Code of Ordinances of the Town of Dundee, exists, namely that the Town is under a significant requirement such that the delay incident in strictly complying with all of the current governing procurement rules, regulations, and procedures would be detrimental to the health, safety and welfare of the Town’s employees and the Town’s citizens and residents.

**SECTION 3:** Accordingly, the Town Commission authorizes, approves, confirms, and ratifies: (1) the Town Manager’s actions in negotiating and approving Task Order 23-01 For Professional Services For Lake Marie Flooding with Carter and Kaye Engineering, LLC (the “Task Order”); and (2) the Town Manager’s actions in negotiating and entering into an agreement with Florida Land Corp for emergency pumping services for the flooding at Lake Marie (the “Agreement”), as further described in the attached **Exhibit “A”** and **Exhibit “B”** and incorporated herein by reference, on an emergency basis and waives the requirements of strict compliance with the Town’s procurement code in this instance.

**SECTION 4:** This Resolution shall be effective immediately upon adoption by the Town Commission.

**READ, PASSED AND ADOPTED** at a duly called meeting of the Town Commission of the Town of Dundee, Florida assembled on the 25th day of April, 2023.

**TOWN OF DUNDEE**

\_\_\_\_\_  
Samuel Pennant, Mayor

ATTEST WITH SEAL:

\_\_\_\_\_  
Trevor Douthat, Interim Town Clerk

Approved as to form:

\_\_\_\_\_  
Frederick J. Murphy, Jr., Town Attorney

EXHIBIT "A"

