

## RESOLUTION 23-29

### **A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA, FINDING THAT EMERGENCY CIRCUMSTANCES JUSTIFY AWARDED A CONTRACT FOR TOWN INFRASTRUCTURE AND FACILITIES DAMAGED BY EXTREME WEATHER INCLUDING FENCING, PARKS, REGULATORY, STREET AND WAY FINDING SIGNAGE, SIDEWALK, CURB, GUTTER, DRAINAGE INLETS, ADA REQUIRED DETECTABLE WARNING SURFACES AND RELATED ITEMS WITHOUT COMPETITIVE BIDDING**

**WHEREAS**, California law generally requires the Town to award contracts for “public projects” in excess of \$1,000 to the lowest bidder after the completion of a competitive bidding process; and

**WHEREAS**, Public Contract Code Section 20168 provides that in case of emergency the Town Council may pass a resolution by a four-fifths vote declaring that the public interest and necessity demand the immediate expenditure of Town funds to safeguard life, health, or property, and that if such a resolution is adopted the Town may expend any sum required in the emergency without complying with competitive bidding requirements; and

**WHEREAS**, Public Contract Code Section 22050 authorizes the Town Council, with a four-fifths vote, to “repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts” if the Town Council finds, based upon substantial evidence, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency; and

**WHEREAS**, Mammoth Lakes has experienced extreme weather conditions during the winter of 2022-2023, with historic accumulations of snow, leading the Town Manager to proclaim a state of emergency on March 3, 2023, which proclamation was ratified by the Town Council on March 7, 2023, with a renewed state of emergency declared by the Town Manager on March 27, 2023 and ratified by proclamation of the Town Council on March 31, 2023; and

**WHEREAS**, the extreme weather conditions, response and snow accumulations have caused significant damage to Town facilities and infrastructure including damage to fencing, curbs, gutters, drain inlets, roads, ADA required Detectable Warning Surfaces, street signs, wayfinding signs, warning signs and regulatory signage; and

**WHEREAS**, the Town Council finds that as a result of the weather-caused damage to Town facilities and infrastructure and pursuant to Public Contract Code Section 20168 the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, safety, and property in the Town of Mammoth Lakes; and

**WHEREAS**, the Town Council finds that based on substantial evidence, including without limitation the staff report presented to the Town Council on May 17, 2023, pursuant to Public Contract Code Section 22050, the emergency will not permit a delay resulting from a competitive solicitation for bids, and that responding to the emergency requires repair of public facilities and infrastructure, other directly related and immediate actions, and procurement of the necessary equipment, services, and supplies for those purposes, without a competitive bidding process.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Mammoth Lakes as follows:

*Section 1.* The foregoing recitals are true and correct and incorporated herein by reference.

*Section 2.* The Town Council hereby directs and authorizes the Town Manager and Public Works Director to contract for repairs to Town facilities and infrastructure damaged by the winter of 2022-2023, to take any directly related action, and to procure the necessary equipment, services, and supplies for the repairs, without a competitive bidding process.


*Section 3.* Pursuant to Public Contract Code Section 22050, the Town Council shall review the emergency action authorized by this resolution at its next regular meeting and at each regular meeting thereafter until the emergency repair work is complete, to determine, by a four-fifths vote, that there is a need to continue the action.

*Section 4.* The Town Clerk shall certify as to the adoption of this resolution.

APPROVED AND ADOPTED this 17<sup>th</sup> day of May 2023.

  
\_\_\_\_\_  
JOHN WENTWORTH, Mayor

ATTEST:

  
\_\_\_\_\_  
JAMIE GRAY, Town Clerk

STATE OF CALIFORNIA        )  
COUNTY OF MONO            )  
TOWN OF MAMMOTH LAKES)        ss.

I, JAMIE GRAY, Town Clerk of the Town of Mammoth Lakes, DO HEREBY CERTIFY under penalty of perjury that the foregoing is a true and correct copy of Resolution No. 23-29 adopted by the Town Council of the Town of Mammoth Lakes, California, at a meeting thereof held on the 17<sup>th</sup> day of May 2023, by the following vote:


AYES:                            Councilmembers Bubser, Rea, Rice, Mayor Pro Tem Sauser, and Mayor Wentworth

NOES:                           None

ABSENT:                       None

ABSTAIN:                      None

DISQUALIFICATION:   None

  
\_\_\_\_\_  
JAMIE GRAY, Town Clerk