

## **TOWN COUNCIL STAFF REPORT**

Title: Approve the resolution finding emergency circumstances justify the award of an emergency contract for replacement of the Whitmore Pool roof.

Meeting Date: July 16, 2025

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### **RECOMMENDATION:**

Approve the Resolution finding that emergency circumstances justify awarding a contract for replacement of the Whitmore Pool roof damaged by a severe wind event that occurred on May 13<sup>th</sup>, 2025.

### **BACKGROUND:**

On May 13<sup>th</sup>, 2025 a severe wind event with gusts well over 50 mph damaged the Whitmore Pool roof. The existing hot mop roof sustained substantial damage, with existing shingles on the windward side of the roof beginning to peel off and separate from the roof decking. The southeast corner of the roof sustained the most damage, with an approximately 10 sq. ft. section of shingles separating; however, the entire windward side of the roof is showing evidence of separating along the drip edge.

Staff evaluated the options for repair and determined that given the age of the roof (over 20 years since installation), the most prudent option for extending the life of this roof is to completely replace the existing surface. In conversations with multiple roofing contractors, it was determined that the best course of action is to replace the roof with a corrugated metal surface that will be more resilient against the heavy winds and snow load at this site. There is a negligible cost difference between replacing the roof with high quality composite shingles and corrugated metal, while the metal typically has a longer lifespan.

### **ANALYSIS:**

The ability of the Town to award a contract for this work through the normal bidding process will result in significant delays to the necessary repairs and would require that this roof remain in its existing, damaged condition through the upcoming winter. This could result in further damage to the structure due to snow and water intrusion. The public interest and safety demand the immediate expenditure of public money to safeguard the health and property of the Town of Mammoth Lakes. The attached resolution makes necessary findings for Town staff to proceed with the award of an emergency contract to repair the Whitmore Pool roof damaged by the recent wind event.

## **FINANCIAL CONSIDERATIONS:**

This project will be funded by the General Fund – Facilities Dept (FD 100). The Town of Mammoth Lakes will be responsible for \$10,000.00 of this project cost, our deductible, and our insurance company will cover the remaining \$31,250.00 of the project cost, paid to the Contractor.

## **LEGAL CONSIDERATIONS:**

The Council may take recommended action under Public Contract Code sections 20168 and 22050. The relevant sections to the Code are noted here:

20168 In case of an emergency, the legislative body may pass a resolution by a four-fifths vote of its members declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property. Upon adoption of the resolution, it may expend any sum required in the emergency without complying with this chapter. If notice for bids to let contracts will not be given, the legislative body shall comply with Chapter 2.5 (commencing with Section 22050).

22050 (a) (1) In the case of an emergency, a public agency, pursuant to a four-fifths vote of its governing body, may 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.

(2) Before a governing body takes any action pursuant to paragraph (1), it shall make a finding, based on substantial evidence set forth in the minutes of its meeting, 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.

(b) (1) The governing body, by a four-fifths vote, may delegate, by resolution or ordinance, to the appropriate county administrative officer, city manager, chief engineer, or other nonelected agency officer, the authority to order any action pursuant to paragraph (1) of subdivision (a).

(2) If a person with authority delegated pursuant to paragraph (1) or (2) orders any action specified in paragraph (1) of subdivision (a), that person shall report to the governing body, at its next meeting required pursuant to this section, the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency.

(c) (1) If the governing body orders any action specified in subdivision (a), the governing body shall review the emergency action at its next regularly scheduled meeting and, except as specified below, at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action.

(2) If a person with authority delegated pursuant to subdivision (b) orders any action specified in paragraph (1) of subdivision (a), the governing body shall initially review the

emergency action not later than seven days after the action, or at its next regularly scheduled meeting if that meeting will occur not later than 14 days after the action, and at least at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action, unless a person with authority delegated pursuant to subdivision (b) has terminated that action prior to the governing body reviewing the emergency action and making a determination pursuant to this subdivision.

(3) When the governing body reviews the emergency action pursuant to paragraph (1) or (2), it shall terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts.