

## **RESOLUTION 25-\_\_**

### **A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA, FINDING THAT EMERGENCY CIRCUMSTANCES JUSTIFY AWARDING A CONTRACT FOR INSTALLATION OF AN ABOVE-GROUND WASTE OIL STORAGE TANK AND DECOMMISSIONING OF EXISTING, NONCOMPLIANT UNDERGROUND STORAGE TANK**

**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**, the existing underground waste oil storage tank at the Mammoth Lakes Town Yard is out of compliance with state and county health and safety codes; and

**WHEREAS**, the existing storage tank must be removed and replaced with an aboveground storage tank to bring the Town of Mammoth Lakes into compliance with state and county health and safety codes; and

**WHEREAS**, the Town Council finds that due to the current noncompliance of the waste oil storage tank 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 July 16, 2025, 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 installation of an aboveground waste oil storage tank and appurtenant fixtures, 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 16<sup>th</sup> day of July 2025.

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CHRIS BUBSER, Mayor

ATTEST:

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JAMIE GRAY, Town Clerk