

RESOLUTION NO. ____-2020

RESOLUTION OF THE FORT BRAGG CITY COUNCIL

and

RESOLUTION NO. ID ____-2020

RESOLUTION OF THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT BOARD

PROVIDING DIRECTION FOR EMERGENCY REPAIR OF A SEWER MAIN LINE IN HIGHWAY 1 AND AUTHORIZING THE CITY/DISTRICT MANAGER TO SIGN RELATED DOCUMENTS

WHEREAS, a sink hole was discovered on Highway 1 (Main Street) while a contractor working for Caltrans was completing a highway maintenance project; and

WHEREAS, after an initial assessment, it was discovered that ten feet of the top of the sewer main line had collapsed; and

WHEREAS, if this section of pipe is not repaired as soon possible, additional sluffing of the trench wall would block the flow of the remaining exposed portion of sewer line risking public health and property damage; and

WHEREAS, emergency contracting procedures are set forth in the Fort Bragg Municipal Code and the California Public Contract Code to expedite emergency repairs; and

WHEREAS, Public Contract Code provides the following:

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); and

WHEREAS, the Fort Bragg Municipal Code is consistent with Public Contract Code by providing the following:

Section 3.20.030

D. In case of an emergency, when public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property.

G. When, by a four-fifths vote, the District Board specifically waives the procedures described in this chapter and authorizes staff to negotiate the purchase; and

WHEREAS, based on all the evidence presented, the City Council/District Board finds as follows:

1. Wastewater Enterprise Funds are available to complete the emergency project.
2. Competent contractors will be hired to complete the needed repairs.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg/District Board of the Fort Bragg Municipal Improvement District No. 1 does hereby direct the completion of emergency work according to the codes listed herein and authorize the City/District Manager to execute contracts and related paperwork to effect the repairs.

The above and foregoing Resolution was introduced by Council/Board Member _____, seconded by Council/Board Member _____, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg/District Board of the Fort Bragg Municipal Improvement District No. 1 held on the 28th day of September, 2020, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**
- RECUSED:**

WILLIAM V. LEE
Mayor/Chair

ATTEST:

June Lemos, CMC
City/District Clerk