

**RESOLUTION NO. 355**

**AN RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMADOR CITY INITIATED UNDER CALIFORNIA PUBLIC CONTRACT CODE SECTIONS 20168 AND 22050, ALLOWING EMERGENCY REPAIR AND/OR REPLACEMENT OF A PUBLIC FACILITY WITHOUT GIVING NOTICE OF BIDS TO LET CONTRACTS.**

**BE IT RESOLVED** by the City Council of the City of Amador that pursuant to a finding by four fifths majority of the City Council of the City of Amador City on February 20, 1997 after receipt and review of substantial evidence of damage to city owned public facility, to wit, a section of Fleeheart Street damaged following a land slippage endangering life, health and property, the City Council found and declared under Public Contract Code Section 20168 that the emergency would not permit a delay by letting contracts for competitive solicitation of bids.

That the City Council, pursuant to California Public Contract Code Section 22050 (b)(2) having no city manager, chief engineer, or other nonelected agency office by a four fifths vote delegated Mayor Susan Bragstad authority to solicit funding from the Federal Emergency Management Agency officials [FEMA] funding for temporary and permanent repairs to Fleeheart Street, the damaged city owned public facility.

That application was made to FEMA by Mayor Bragstad immediately thereafter but due to processing delays as a result of major statewide damage the FEMA claims funding was not obtained until August of 1997.

That the City Council regularly since the date of the adoption of the declaration of emergency on February 20, 1997 regarding the Fleeheart Street landslide agendized and reviewed and approved by a four fifth's majority the Fleeheart Street emergency at each and every meeting thereafter to the date of this resolution and that any delay in awarding the contract was engendered by the lack of FEMA funding to this date.

That the delay occasioned by the FEMA claim processing has created another emergency which requires that immediate construction begin on the Fleeheart project due to oncoming winter months and that for the City Council of the City of Amador City to solicit competitive bids, review and accept the most appropriate would be a threat to and endanger life, health and

property of users and property owners along Fleeheart Street.

**IT IS THEREFORE FURTHER RESOLVED**, that pursuant to Public Contract Code Sections 20168 and in accordance with Public Contract Code Section 22050, that the Mayor Bragstad is directed post notice of solicitation of bids at four prominent places within the City of Amador City for giving notice to prospective bidders. Mayor Bragstad is authorized to solicit three bids from prospective bidders and select from those received the most cost effective and practical bid for the completion of the emergency repairs to Fleeheart Street.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Amador City on August 21, 1997.

*Bragstad, Goodin, Shaw*  
AYES: *Luxemburg, McKune* NOES: 0

ABSENT: 0

*Susan Bragstad, Mayor*

