

**CITY OF AMADOR CITY  
RESOLUTION NO. 364**

**A 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 Resolution No. 360 dated February 6, 1998 City Council of the City of Amador City, by a majority of the council members present, approved a Declaration of Emergency regarding damage to City of Amador City facilities, to wit, a city owned sewer pipe crossing over Amador Creek 500 feet west of the State Route 49 bridge. Resolution No. 360 was passed by the City Council of the City of Amador City after receipt and review of substantial evidence of damage occurring on February 3, 1998 to the above city owned public facility and following an inspection by the California Water Quality Control Board on February 4, 1998 noting a water quality violation. On February 18, 1998 preliminary damage assessment was performed by representatives of FEMA/OES [Federal Emergency Management Agency/Office of Emergency Services]. Further on February 20, 1998 the California Water Quality Control Board filed a Notice of Violation against the City of Amador City.

That FEMA was notified by representatives of Amador City of the disaster by filing a Notice of Interest to apply for federal disaster funds on March 5, 1998

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 on March 19, 1998 by Resolution No. 361 by unanimous vote delegated Mayor Lee Goodin, Councilperson Susan Bragstad, and City Clerk Berneice Horner authority to solicit funding from FEMA funding for temporary and permanent repairs to the City of Amador City Amador Creek Sewer Crossing, the damaged city owned public facility. On April 7, 1998 FEMA filed a Notice of Interest Approval for Federal Disaster funds. On April 23, 1998 FEMA rendered a Damage Survey Report to the City of Amador City.

That the City Council regularly since the date of the adoption of Resolution No. 360, the declaration of emergency on February 6, 1998 regarding the damaged Amador Creek Amador City owned sewer crossing, has agendized and reviewed and approved

unanimously the Amador Creek Sewer Crossing emergency at each and every meeting thereafter to the date of this resolution and that any delay in seeking a contract and awarding same 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 emergency repair construction begin on the City of Amador, Amador Creek Sewer Crossing due to Notice of Violation by the California State Water Quality Control Board and the threat of a shut down occasioned by the failed sewer crossing of the sewer facilities and a danger to the general health and safety of down stream Amador Creek water users and Amador Creek abutting landowners.

**THE CITY OF AMADOR CITY NOW FINDS** that the damage to the Amador Creek city owned sewer line crossing would endanger life, health and property of downstream water users and abutting Amador Creek property owners.

**ACCORDINGLY THE CITY OF AMADOR CITY FINDS AND DECLARES** under Public Contract Code Section 20168 that the emergency would not permit a delay by letting contracts for competitive solicitation of bids. That for the City Council of the City of Amador City to solicit competitive bids, review and accept the most appropriate bid would be a threat to and endanger life, health and property of users and property owners along Amador Creek as well as possible shut down of the City of Amador City owned sewer facilities.

**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 Lee Goodin and Councilperson Susan Bragstad are directed and are authorized to solicit bids from prospective bidders and select from those received the most cost effective and practical bid for the completion of the emergency repairs to the City of Amador City Amador Creek sewer crossing.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Amador City on May 21, 1998.

AYES: Shaw, Goodin, Bragstad NOES: Ø

ABSENT: McKune, Luxemburg

ABSTAIN: Ø

  
LEE GOODIN MAYOR

  
Berneice Horner, City Clerk