TOWN OF SAN ANSELMO
RESOLUTION NO. 3828

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO
DECLARATION THAT AN EMERGENCY EXISTS
DUE TO THE EARTH SLIDE AT 250 SCENIC AVENUE

WHEREAS, THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO FINDS
AND DETERMINES AS FOLLOWS:

1. On January 27, 2008, the Town public works staff was alerted to a landslide
adjacent to the roadway at 250 Scenic Avenue;

2. On January 28, 2008, the Town's consulting engineer, Robert Setgast,
sounded with a probe the condition of the sub-grade under the pavement adjacent to the
slide and estimated that a cavity exists underneath the roadway that extends approximately
three feet under the road surface;

3. Due to the risk that an automobile could travel in the area of the cavity, Town
staff determined to close the roadway in the vicinity of the slide;

4. Due to the road closure, the access of public safety vehicles is now limited in
relation to the residences above the slide area. Emergency responders are now required to
take alternate routes which will likely increase response times. In addition, those persons
inhabiting the residences immediately above the slide area now have one exit route
unavailable to them in the event of an emergency;

5. Approximately 50 feet of the road embankment has subsided as clearly visible
by the scarp at the road edge. In staff's judgment, this means that the embankment could
fail at any time, particularly given that the rainy season is continuing at this juncture;

6. The new slide materials now rest against the house below the slide at 250
Scenic Avenue, which is undergoing a foundation upgrade. Any additional slide material
could cause significant damage to the house;

7. The Town Public Works Director has stated his opinion that the condition of
the slide area constitutes an emergency as defined in Public Contracts Code Section 1102;

8. The Town Council hereby finds that the landslide adjacent to and under the
roadway at 250 Scenic constitutes an emergency as defined in Public Contracts Code
Section 1102, specifically that a sudden, unexpected occurrence now poses a clear and
imminent danger that requires immediate action to prevent or mitigate the loss or
impairment of life, health, property, or essential public services;

9. The Town Council hereby finds that the emergency will not permit a delay
resulting from a competitive solicitation for bids, and that performance of repair work without
public bidding is necessary to respond to the emergency;
NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

1. As authorized by Public Contracts Code Section 20168, the Town Council declares that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property.

2. The Town Public Works Director is authorized to procure the necessary equipment, services, and supplies for repair of the emergency at the slide area without giving notice for bids to let contracts.

3. The Town Council directs the Town Public Works Director to report on the emergency repair at the Council's next regularly scheduled meeting and at every regularly scheduled meeting thereafter until the emergency repair is concluded.

4. If it is possible, the Town Public Works Director is directed to terminate the emergency repair action at the earliest possible date that conditions warrant so that the remainder of the repair may be completed by giving notice for bids to let contracts.

I, the undersigned, hereby certify that the foregoing is a full, true, and complete copy of a resolution duly passed and adopted by the Town Council of the Town of San Anselmo at a special meeting thereof held on the 30th day of January, 2008, by the following vote:

AYES: Breen, Freeman, Greene, House

NOES: (none)

ABSENT: (none)

ABSTAIN: Thornton

Ted Freeman, Mayor

ATTEST:

Barbara Chambers, Town Clerk