TOWN OF SAN ANSELMO
RESOLUTION NO. 3851

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO
DECLARING THAT AN EMERGENCY EXISTS DUE TO THE SUBSTANTIAL
INVESTMENT IN IMPROVEMENTS AND REPAIRS AT TOWN HALL AND THE RISK OF
DAMAGE DURING THE UPCOMING WINTER RAINY SEASON

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

1. On December 31, 2005, a flood caused substantial damage to the first floor of
Town Hall;

2. The Town has since installed approximately $500,000 worth of improvements
and repairs to the police station and Council Chambers located in the first floor of Town Hall;

3. Earlier this year, FEMA approved the Town's performance of hazard mitigation
work, namely, construction of flood walls and flood gates at Town Hall to prevent damage
from future flooding;

4. After receiving FEMA approval, the Town promptly instructed its architect,
Fredric C. Divine Associates, to design the Town Halls flood walls and flood gates;

5. The design of the Town Hall flood walls and flood gates has now been
approved by the Town Council and the project is now ready to be constructed;

6. Given the timing, if the Town were to engage in the regular public bidding
process, the time delay would cause the project likely not to be completed before the
coming rainy season, creating a substantial risk that the newly installed improvements and
repairs at Town Hall would be damaged;

7. The Town lacks the funding necessary to replace the new improvements and
repairs if they were to be damaged by another flood this winter;

8. Declaration of an emergency will allow the Town to informally bid the project
and likely cause it to be completed prior to the heavy rainy season this winter;

9. The Town Public Works Director has stated his opinion that these
circumstances constitute an emergency as defined in Public Contracts Code Section 1102;

10. The Town Council hereby finds that the current condition of Town Hall -- newly
improved and without flood wall and flood gate protection -- constitutes an emergency as
defined in Public Contracts Code Section 1102, specifically, 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;
11. 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 construction of the flood wall/flood gate hazard mitigation project without giving notice for bids to let contracts.

3. The Town Manager is authorized to award the project contract;

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

5. If it is possible, the Town Public Works Director is directed to terminate the emergency project action at the earliest possible date that conditions warrant so that the remainder of the project 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 regular meeting thereof held on the 23rd day of September, 2008, by the following vote:

AYES: BREEN, GREENE, FREEMAN, HOUSE, THORNTON

NOES:

ABSENT:

Ted Freeman, Mayor

Barbara Chambers, Town Clerk