

TOWN OF APPLE VALLEY UTAH
RESOLUTION NO. R-2026-37
Emergency Flood Recovery Spending Authorization

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, UTAH, RECOGNIZING THE SEPTEMBER 30, 2026 FLOODING AND CONTINUING RECOVERY PROCLAMATION, EXTENDING THE LOCAL EMERGENCY, AND ESTABLISHING LIMITED EMERGENCY PROCUREMENT AND EXPENDITURE AUTHORITY.

WHEREAS, significant flooding on August 14, 2026 resulted in a local emergency in the Town of Apple Valley and damage to roads, drainage facilities, and other public infrastructure; and

WHEREAS, on September 30, 2026, Mayor Mike Farrar issued a Proclamation of Local State of Emergency for Flooding and Continuing Recovery, declaring a new local emergency related to the August flooding and identifying continuing damage, recovery needs, and exigent circumstances; and

WHEREAS, Utah Code Section 53-2a-208 authorizes the Town Council, by majority vote, to extend a local state of emergency for a stated period; and

WHEREAS, the Town Council finds that continuing flood impacts require response and recovery efforts and that certain work may require emergency procurement to address immediate threats to public health, public safety, or essential Town operations; and

WHEREAS, the Town's procurement ordinance, Ordinance O-2026-18, provides for emergency procurement with written documentation, review by the Chief Procurement Officer, and reporting to the Town Council; and

WHEREAS, the Town Council intends to establish clear spending limits and oversight while preserving applicable fiscal requirements and restrictions on the use of public funds;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Apple Valley, Utah, as follows:

Section 1 Recognition and extension of the local emergency

The Town Council recognizes the Mayor's September 30, 2026 proclamation, incorporated by reference, and approves continuation of the local state of emergency through November 29, 2026, which is 60 days after issuance of that proclamation, unless terminated earlier in accordance with Utah Code Section 53-2a-208. Adoption of this section constitutes the Council's majority-vote approval of that stated extension period. Any further extension requires separate Council action permitted by law.

Section 2 Authorized work

Authority under this resolution is limited to goods and services reasonably necessary to address the continuing flood emergency, including debris removal, drainage clearing, emergency stabilization, repair of damaged drainage facilities and roads, and related equipment, materials, engineering, or contractor services. Emergency procurement may be used only for the portion of work needed to address an immediate threat when normal competitive procedures are impracticable. Recovery work that can reasonably be procured through normal procedures shall follow those procedures.

Section 3 Aggregate expenditure limit

The Town Council authorizes new obligations under this resolution in an aggregate amount not to exceed \$200,000. This amount is the maximum spending authorization under this resolution. The limit includes the full value of contracts, purchase orders, rentals, materials, and change orders authorized under this resolution, whether paid or unpaid. Reimbursements do not replenish the limit. Previously incurred obligations remain subject to their existing authority and shall be separately identified in Council reports. This resolution does not retroactively approve previously unauthorized obligations.

Section 4 Individual approval threshold and Council approval

The Mayor, as Chief Procurement Officer unless the Council has designated another individual, may approve an individual emergency purchase or contract of up to \$100,000, provided it remains within the aggregate limit and complies with applicable fiscal requirements. Department heads may recommend work and coordinate performance but receive no independent contracting authority under this resolution.

A purchase, contract, or change order that causes the total commitment for a contract or related procurement to exceed the individual threshold requires prior Town Council approval. Exceeding or increasing the aggregate limit also requires prior Town Council approval. Related purchases shall not be divided to avoid these limits. If an immediate threat prevents obtaining prior approval, any action must rely on separately existing authority under applicable law and the Town's procurement ordinance; this resolution provides no additional authority to exceed its limits.

Section 5 Procurement requirements

Each emergency procurement shall be supported by a written determination describing the immediate threat, necessary scope, why normal competitive procurement was impracticable, contractor selection, and the basis for finding the price reasonable. Quotes or other competition shall be obtained to the extent practicable without delaying necessary emergency action. The Chief Procurement Officer shall review the procurement as soon as practical. Applicable licensing, insurance, contract, conflict-of-interest, and payment requirements remain in effect. Federally or otherwise grant-funded work must also satisfy the applicable award and procurement requirements; the local declaration alone does not establish reimbursement eligibility. All expenditures authorized under this resolution shall comply with applicable fiscal requirements and restrictions on the use of Town funds.

Section 6 Records and Council reporting

A separate accounting of obligations and expenditures under this resolution shall be maintained, and a report shall be presented at each regular Town Council meeting while the authority is in effect. Reports shall identify vendors, work performed, contracts and change orders, amounts committed and paid, funding sources and the remaining aggregate authorization. Emergency procurements that could not reasonably receive prior Council approval shall be reported at the next regular Council meeting as required by the procurement ordinance. Procurement records, invoices, time and equipment records, and supporting damage documentation shall be retained under applicable records and funding requirements.

Section 7 Duration and effective date

This resolution takes effect upon adoption. Authority to incur new obligations expires upon termination of the local emergency, November 29, 2026, or exhaustion of the aggregate limit, whichever occurs first, unless lawfully modified by the Town Council. Expiration does not cancel valid contracts or prevent payment of obligations lawfully incurred. Normal procurement procedures continue to apply to subsequent work.

PASSED AND ADOPTED by the Town Council of the Town of Apple Valley, Utah, this ____ day of _____, 2026.

TOWN OF APPLE VALLEY

Mike Farrar, Mayor

ATTEST

Jenna Vizcardo, Town Clerk/Recorder

Council vote

Ayes _____ Nays _____ Abstentions _____ Absent _____