

RESOLUTION 2023-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY AUTHORIZING THE CITY MANAGER TO ENTER INTO EMERGENCY CONTRACTS WITHOUT ADVERTISING FOR BIDS AND RATIFYING EMERGENCY CONTRACTS RELATING TO RECOVERY FROM THE FEBRUARY 2023 WINTER STORM

WHEREAS, on or about February 24, 2023, conditions of extreme peril to the safety of persons and property arose within the City of Grass Valley as a result of an extreme winter storm, which resulted in significant damage to public property, and attendant risk to public safety, throughout the City; and

WHEREAS, on March 2, 2023, the Director of Emergency Services of the City of Grass Valley proclaimed the existence of a local emergency within the City of Grass Valley pursuant to Grass Valley Municipal Code section 8.12.010 et seq.;

WHEREAS, on March 8, 2023, the City Council adopted Resolution No. 2023-07 proclaiming the existence of a local emergency within the City of Grass Valley, ratifying the proclamation of the Disaster Council of the City of Grass Valley proclaiming the existence of a local emergency within the City of Grass Valley, and declaring that the Disaster Council of the City of Grass Valley and its Director of Emergency Services shall have the powers, functions, and duties prescribed by state law, and by the charter, ordinances, and resolutions of the City of Grass Valley;

WHEREAS, Grass Valley Municipal Code section 8.12.060 provides the powers and duties of the Director of Emergency Services in the event of a proclamation of a local emergency as provided therein, including, but not limited to:

- A. To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of life and property and to bind the City for the fair value of them, and
- B. To execute all of his or her ordinary powers as director, all of the special powers conferred upon him or her as provided therein or by resolution or emergency plan as provided therein, all powers conferred upon him or her by any statute, by any agreement approved by the City Council, and by any other lawful authority including by resolution of the City Council;

WHEREAS, Article XIII, section (2)(a) of the Grass Valley City Charter authorizes the City Council by a four-fifths vote to let contracts for public works without advertising for bids if it deems the work of urgent necessity for the preservation of life, health, or property;

WHEREAS, Article XIII, section (2)(b) of the Grass Valley City Charter authorizes the City Council by a four-fifths vote to let contracts for supplies, materials, and equipment without advertising for bids if it finds the purchase may be made more economically by doing so, or the purchase is of urgent necessity for the preservation of life, health, or property;

WHEREAS, Grass Valley Municipal Code section 3.08.150 authorizes the City Manager to procure supplies, equipment, services, or construction without advertising for bids to address a threat to public health, welfare, or safety;

WHEREAS, Grass Valley Municipal Code section 3.08.165 authorizes the City Council and the City Manager to enter into contracts in any amount during a declared state of emergency without first obtaining a purchase order, professional services agreement, or bidding process;

WHEREAS, the City Council wishes to authorize the City Manager to enter into certain agreements related to recovery efforts from the February 2023 winter storm pursuant to the authorities outlined above and as otherwise provided by law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRASS VALLEY AS FOLLOWS:

1. The foregoing statements are true and correct and incorporated herein by this reference.
2. The effects of the February 2023 winter storm represent an immediate threat to the environment and create an urgent necessity for the preservation of life, health, and property within the meaning of Article XIII of the Grass Valley City Charter.
3. The effects of the February 2023 winter storm represent an emergency and a threat to the public health, safety, and welfare within the meaning of Grass Valley Municipal Code sections 3.08.150 and 3.08.165.
4. The City Manager, acting in his capacity as City Manager or as Director of Emergency Services, or his designee, is authorized to contract for works, supplies, materials, and equipment necessary or convenient to address recovery from the February 2023 winter storm without advertising for bids and subject to review by the City Attorney.
5. The City Council ratifies the City Manager's authority, as City Manager and Director of Emergency Services, to execute the following contracts without advertising for bids as necessary to address the effects of the February 2023 winter storm:
 - Hansen Bros Enterprises – Snow and debris removal, waterline repairs, and street repairs, contract not to exceed \$100,000
 - C&D Contractors Inc. – Snow and debris removal, and vegetative debris collection, contract not to exceed \$100,000
6. This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15269 of the CEQA Guidelines (Emergency Projects) because it is urgently necessary: (i) to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code, (ii) to repair publicly or privately owned service facilities necessary to maintain service essential to the public health, safety, or welfare, and (iii) to prevent or mitigate an emergency. This project is also categorically exempt under CEQA Guidelines sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), 15304 (Minor Alterations to Land), 15307 (Protection of Natural Resources), 15308 (Protection of the Environment), and 15330 (Abatement of Hazardous Materials).
7. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Grass Valley at a regular meeting held the 15th day of March 2023, by the following vote:

AYES:
NOES:
ABSENT:
NOT VOTING:

Jan Arbuckle, Mayor
City of Grass Valley

APPROVED AS TO FORM:

ATTEST:

Michael G. Colantuono, City Attorney
City of Grass Valley

Taylor Day, City Clerk
City of Grass Valley