



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/02/2022

ITEM NO: 10

DATE: July 22, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution to Rescind Resolution 2019-033 and Replace It for Consistency with Town Council Policy 04-06: Purchasing Policy, and Accept Report on Town Manager Approved Actions During the 2022 Town Council Legislative Recess

RECOMMENDATION:

Adopt a Resolution (Attachment 2) to rescind Resolution 2019-033 and replace it for consistency with Town Council Policy 04-06: Purchasing Policy, and accept this report on the Town Manager approved action taken during the 2022 Town Council legislative recess.

BACKGROUND:

On June 20, 2019, the Town Council adopted Resolution 2019-033 (Attachment 1) authorizing the Town Manager to execute the following duties during periods of official Town Council legislative recess in consultation with the Mayor:

1. Approval of plans and specifications for capital projects and authorization to advertise for bids.
2. Award of construction contracts and construction contract change orders in excess of the amount included in the contingency.
3. Execution of agreements and amendments to agreements in excess of \$50,000 that ordinarily require Town Council approval.

PREPARED BY: Janette Judd
Executive Assistant to the Town Manager and Town Council

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Interim Finance Director

SUBJECT: Accept Report on Town Manager Approved Actions During the Town Council
Legislative Recess

DATE: July 22, 2022

BACKGROUND (continued):

On November 16, 2021, the Town Council adopted Town Council Policy 04-06: Purchasing Policy. Among other items, the Policy increased the Department Director purchase authority up to the amount of \$50,000 and the Town Manager's authority up to \$100,000. The Purchasing Policy is available on the Town website:

<https://www.losgatosca.gov/DocumentCenter/View/29648/4-06-Purchasing-Policy-11-16-21>

Resolution 2019-033 does not align with the Town's current Purchasing Policy and staff is recommending its rescission. A draft replacement Resolution (Attachment 2) is consistent with the Purchasing Policy and authorizes the Town Manager to execute the following duties during periods of official Town Council legislative recess in consultation with the Mayor and for purchase amounts over \$100,000:

1. Approval of plans and specifications for capital projects and authorization to advertise for bids.
2. Award of construction contracts and construction contract change orders in excess of the amount included in the contingency.
3. Execution of agreements and amendments to agreements in excess of \$100,000 that ordinarily require Town Council approval.

The Town Council took an official legislative recess from June 22, 2022 to August 1, 2022. During this recess, and pursuant to authority granted by the Town Council consistent with the Town's Purchasing Policy, the Town Manager executed one action in consultation with the Mayor:

- Agreement with Foothill Mechanical Inc. for HVAC System at the Adult Recreation Center Services/Purchase (Parks and Public Works Department Memorandum, Attachment 3)

The Town Manager determined that immediate action on the above item was necessary due to lengthy lead times for equipment and delivery and in order to maintain critical services to the occupants and patrons of the facility. The above item has already been approved by the Town Manager and Mayor, and Council members may request additional information or provide additional direction regarding these items.

CONCLUSION:

Staff recommends that the Town Council rescind and replace Resolution 2019-033, consistent with the Town's Purchasing Policy adopted November 16, 2021.

PAGE 3 OF 3

SUBJECT: Accept Report on Town Manager Approved Actions During the Town Council
Legislative Recess

DATE: July 22, 2022

CONCLUSION (continued):

Staff also recommends that the Town Council accept this report on the Town Manager approved action taken during the 2022 Town Council legislative recess, as authorized by the Town Council and in consultation with the Mayor.

Attachments:

1. Resolution 2019-033
2. Draft Resolution 2022-xxx
3. Parks and Public Works Department Memorandum, Foothill Mechanical Inc. Agreement