



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 12/05/2023

ITEM NO: 7

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DATE: November 29, 2023  
TO: Mayor and Town Council  
FROM: Laurel Prevetti, Town Manager  
SUBJECT: Adopt the Emergency Procurement Policy as Recommended by the Policy Committee

**RECOMMENDATION:**

Adopt the Emergency Procurement Policy (Attachment 1) as recommended by the Policy Committee.

**BACKGROUND:**

At its August 22, 2023 meeting, the Policy Committee identified the Emergency Procurement Policy as one of its priority 2023 work plan items.

Public Contract Code Section 1102 defines “emergency” as “a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.” Town Council Policy 4-06: Purchasing Policy uses this definition and provides that the Director of Emergency Services/Town Manager or their designee determines when a situation meets this definition. Town Council Policy 4-06 also references an “Emergency Procurement Policy” that does not yet exist and this proposed Emergency Procurement Policy would remedy this discrepancy.

**DISCUSSION:**

The Emergency Procurement Policy (Policy) has been drafted to allow the Town additional flexibility in procurement in the event of an emergency in alignment with State and Federal regulations. By ensuring that State and Federal regulations are followed, it also ensures that the Town’s procurements during an emergency will be eligible for State and/or Federal reimbursement when applicable.

**PREPARED BY:** Katy Nomura  
Assistant Town Manager

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

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SUBJECT: Emergency Procurement Policy

DATE: November 20, 2023

DISCUSSION (continued):

At its November 28, 2023 meeting, the Policy Committee unanimously recommended that Council approve the Policy. There was no public comment at the meeting.

Should the Policy be adopted by Council, staff would then finalize an administrative procedure to ensure all applicable local, State, and Federal emergency procurement laws are followed in accordance with the Policy.

CONCLUSION:

Staff recommends that the Town Council to adopt the proposed Policy (Attachment 1).

COORDINATION:

This report was coordinated with the Town Manager's Office, Town Attorney, and Finance Department.

FISCAL IMPACT:

There is no direct fiscal impact associated with the adoption of this Policy. However, adoption would ensure that future emergency procurements are compliant and eligible for State and Federal reimbursement when applicable.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachment:

1. Draft Emergency Procurement Policy