

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ARROYO GRANDE DECLARING AN EMERGENCY AND
AUTHORIZING THE IMMEDIATE EXPENDITURE OF
FUNDS TO REPLACE THE EMERGENCY GENERATOR
AT THE FIVE CITIES FIRE AUTHORITY STATION 1**

WHEREAS, the City of Arroyo Grande (the “City”) owns the Five Cities Fire Authority (the “FCFA”) Station 1 building at 140 Traffic Way; and

WHEREAS, in accordance with the FCFA Joint Exercise of Powers Agreement between Arroyo Grande, Grover Beach and Oceano, the City remains responsible for insurance and maintenance of the fire station (Section 8 A); and

WHEREAS, FCFA Station 1 is considered an essential services building in accordance with Section 16007 of the California Health and Safety Code; and

WHEREAS, the California Legislature has determined that buildings providing essential services should be capable of providing those services to the public after a disaster and in order to do so, power from an emergency generator is needed in the event of power loss due to a power outage; and

WHEREAS, the emergency generator at Station 1 had become completely non-functional rendering the FCFA Station 1 building with no back-up power; and

WHEREAS, a portable generator has been placed at the FCFA Station 1 to allow for the opening of the vehicle bay doors and some lighting, but it does not provide power to the server room or the station alerting system, which are critical needs; and

WHEREAS, the City Council finds in this case, there is an imminent danger to public health and safety for various reasons including the delay of public safety services during the event of an emergency; and

WHEREAS, the City Council further finds that pursuant to Public Contract Code Section 20168, the immediate replacement of the emergency generator is necessary in order to protect the public health, safety and welfare and will not permit a delay resulting from a competitive solicitation for bids and that prompt action, including authorization to expend all funds required for such replacement without competitive bidding, is necessary to respond to the emergency described herein; and

WHEREAS, pursuant to Public Contract Code Section 22050, the City Council deems it is in the public interest to immediately authorize the expenditure of City funds needed to safeguard the health, safety and welfare in order to proceed immediately with the replacement of the emergency generator.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE that the public interest and necessity demand the immediate expenditure of funds to safeguard the public health, safety and welfare, without strict compliance with the provisions of the Public Contract Code.

BE IT FURTHER RESOLVED, that the City Manager is authorized to enter into any contract or agreement in order to immediately replace the emergency generator at FCFA Station 1, and to report back to the City Council regarding said activity at its next regularly scheduled meeting, pursuant to Public Contract Code Section 22050. All acts of the City Manager in addressing this emergency taken prior to the effective date hereof are hereby duly ratified by the City Council.

On motion by Council Member _____, seconded by Council Member _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

The foregoing Resolution was passed and adopted this 13th day of September, 2022.

CAREN RAY RUSSOM, MAYOR

ATTEST:

JESSICA MATSON, CITY CLERK

APPROVED AS TO CONTENT:

WHITNEY MCDONALD, CITY MANAGER

APPROVED AS TO FORM:

TIMOTHY J. CARMEL, CITY ATTORNEY