



## City Council Regular Meeting Staff Report

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**Subject:** Midas Avenue Closure and Emergency Repairs

**Date:** January 24, 2023

**Submitted By:** Justin Nartker, Public Services Director

**Department:** Public Services

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**Recommendation:**

Adopt a Resolution of the City Council of the City of Rocklin Determining an Emergency Exists that Requires the Immediate Expenditure of Public Money to Safeguard Life, Health, Property, or Essential Public Services and Authorizing the City Manager to Take Action Necessary to Repair or Replace Failed Portions of Midas Avenue.

**Background:**

With recent storm events, the roadway on Midas Avenue at Antelope Creek between 5th Street and Argonaut Avenue deteriorated and failed, requiring the closure of the roadway and emergency repair. This emergency situation will not permit a delay resulting from competitive solicitation for bids, and immediate action is necessary to respond to the emergency.

The roadway failure constitutes an emergency within the meaning of California Public Contract Code section 1102, because it was a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of property or essential public services. Under such circumstances, Public Contract Code section 20168 allows the City Council to pass a resolution by four-fifths vote, declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property. In addition, Public Contract Code section 22050 allows the City Council by a four-fifths vote, to authorize the repair or replacement of a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts. Upon adoption of the resolution, the City may expend the sum required in the emergency without requiring competitive bidding.

In compliance with the Public Contract Code and the Rocklin Municipal Code, subsequent reports of the emergency repairs will be provided to the City Council. For expenditures over \$50,000, the City Council will be requested to ratify the contract(s) (RMC 3.04.090(A)).

**Fiscal Impact:**

The fiscal impact is unknown at the time of the writing of this report.

**ATTACHMENTS:**

1. [Resolution - Midas Avenue Emergency Repair](#)