

**RESOLUTION NO. R-2023-\_\_\_\_\_**

**A RESOLUTION** ratifying the declaration of an emergency and authorizing the City Manager to execute all applicable contracts for the Capitol Theatre HVAC Control System EPO 2216E Project 2686.

**WHEREAS**, Article VI, section 6 of the City of Yakima Charter and the Yakima Municipal Code Chapter 1.80 provide that the City Council may declare an emergency and waive the bidding requirement for supplies, material, equipment or services; and

**WHEREAS**, RCW 39.04.280 provides for emergency public works projects to move forward without complying with bidding requirements; and

**WHEREAS**, there was imminent failure of the Heating, Ventilation, and Air Conditioning (HVAC) Control System located at the Capitol Theatre; and

**WHEREAS**, the Control System for the HVAC was not operational and the climate control system could not adjust the thermostat temperature, requiring immediate repair to protect the building; and

**WHEREAS**, an emergency was declared by the City Manager on October 31, 2022, allowing the Capitol Theatre to proceed with the contracting with Bruce Mechanical Inc. to replace the HVAC Control System and associated components; and

**WHEREAS**, the cost of the system and associated components including tax totaled \$81,242.00, resulting in the need to seek ratification by City Council via resolution, in accordance with City of Yakima Administrative Code ADM 3-500 City Procurement Manual which requires approval by City Council for emergency costs exceeding \$50,000; and

**WHEREAS**, the City Council deems it to be in the best interest of the City and its residents to ratify the City Manager's declaration of an emergency, and authorize the execution of all necessary contracts for the Capitol Theatre Heating, Ventilation, and Air Conditioning Control System, now, therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YAKIMA:**

The emergency, as declared on October 31, 2022 by the City Manager, is hereby ratified, the City Council resolves that there was an emergency, and the City Manager's execution of all appropriate documents for the replacement of the Capitol Theatre HVAC Control System and associated components without calling for bids, is hereby ratified and approved.

**ADOPTED BY THE CITY COUNCIL** this 21st day of February, 2023.

ATTEST:

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Janice Deccio, Mayor

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Sonya Claar Tee, City Clerk