

RESOLUTION NO. _____

**A RESOLUTION DECLARING AN EMERGENCY FOR THE PERCIVAL CREEK UTILITY
AND PEDESTRIAN BRIDGE REPAIR**

WHEREAS, a windstorm on February 7, 2020 caused a tree to fall severing the center span of a utility and pedestrian bridge spanning Percival Creek; and

WHEREAS, the bridge supports a drinking water main, a sewer main which were both also broken; and

WHEREAS, the broken sewer main released approximately 31,000 gallons of raw sewage to Percival Creek before being temporarily bypassed; and

WHEREAS, sewer service has only temporarily been restored using aboveground bypass piping; and

WHEREAS, the sewer main serves approximately 765 residential units and 42 commercial accounts including the Thurston County Courthouse; and

WHEREAS, the broken water main reduces the ability to provide drinking and fire protection water to an area serving approximately 2,100 residential units and 64 commercial accounts; and

WHEREAS, RCW 39.04.280 defines an emergency as “unforeseen circumstances beyond the control of the municipality that either: (a) Present a real, immediate threat to the proper performance of essential functions; or (b) Will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken;” and

WHEREAS, the City Engineer determined that the situation constituted an emergency as defined in RCW 39.04.280 and thereafter entered into a contract without calling for bids with Quigg Bros., Inc., for emergency repairs of the bridge and water and sewer utilities; and

WHEREAS, RCW 39.04.280 provides for an exemption from competitive bidding requirements for public works in the event of an emergency; and

WHEREAS, RCW 39.04.280 requires that, “if a contract is awarded without competitive bidding due to an emergency, a written finding of the existence of an emergency must be made by the governing body or its designee and duly entered of record;”

NOW, THEREFORE, BE IT RESOLVED that the Olympia City Council finds and declares that the repairs to the broken sewer and water mains constituted an emergency as defined in RCW 39.04.280 because the sewage spill presented a real, immediate threat to public safety and property.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of _____ 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY