

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON
DECLARING AN EMERGENCY AND WAIVING COMPETITIVE BIDDING REQUIREMENTS
FOR REPAIR OF A SINKHOLE ON MOTTMAN ROAD SW**

WHEREAS, on January 5, 2022, City staff encountered a sinkhole on Mottman Road SW, and determined that failure of the road and sinkhole could result in threats to public safety and property damage; 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, RCW 39.04.280 provides for an exemption from competitive bidding requirements for public works in the event of an emergency and 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”; and

WHEREAS, pursuant to OMC 3.16.030 and City Policy, authority has been delegating to the City Engineer to declare any public work an emergency so long as it meets the criteria set forth in RCW 39.04.280; and

WHEREAS, the City Engineer determined that the situation on Mottman Road SW constituted an emergency as defined in RCW 39.04.280, declared an emergency, and thereafter entered into a contract without calling for bids with Rognlin’s Inc., for emergency repairs of the road;

NOW, THEREFORE, BE IT RESOLVED that the Olympia City Council finds, declares, and affirms the City Engineer in that the repairs to Mottman Road SW constituted an emergency as defined in RCW 39.04.280 because the risk of the road collapsing from the sinkhole presented a real, immediate threat to public safety and property as did any development of the sinkhole into the vehicle travel lane.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of _____ 2022.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



DEPUTY CITY ATTORNEY