

RESOLUTION NO. M-2692

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON
DECLARING AN EMERGENCY AND WAIVING COMPETITIVE BIDDING REQUIREMENTS
TO COMPLETE FLOODING MITIGATION MEASURES AT 28TH AVENUE IN THE CITY OF
OLYMPIA**

WHEREAS, in the last several years 28th Avenue, west of Cooper Point Road, has experienced periodic localized water over the roadway which requires people who live off 28th Avenue and Aztec Drive to drive through standing water; and

WHEREAS, during December 2025, the City of Olympia received a historic amount of rainfall as a series of atmospheric rivers impacted the region; and

WHEREAS, as a result of these storms, 28th Avenue has been in a continual state of flooding which poses a serious safety risk to the public traveling through the area; and

WHEREAS, 28th Avenue is the only available route to access Aztec Drive and driveways along 28th Avenue; and

WHEREAS, on December 18, 2025, the City Engineer determined that the 28th Avenue flooding was an emergency since it presents a real, immediate threat and danger to the traveling public and will likely result in further material loss or damage to property, bodily injury, or loss of life if immediate action is not taken; 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 delegated 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 28th Avenue constituted an emergency as defined in RCW 39.04.280, declared an emergency, and thereafter entered into a contract without calling for bids with Sound Pacific Construction for emergency measures to mitigate flooding in the area;

NOW, THEREFORE, BE IT RESOLVED that the Olympia City Council finds, declares, and affirms the actions of the City Engineer in that the flooding of 28th Avenue constituted an emergency as defined in RCW 39.04.280 because residents, service and emergency vehicles, and other users of 28th Avenue being required to drive through standing water to access the area presented a real, immediate threat to public safety and property.

PASSED BY THE OLYMPIA CITY COUNCIL this 3rd day of February 2026.



MAYOR

ATTEST:

Sean Krier

CITY CLERK

APPROVED AS TO FORM:

Mark Barber

CITY ATTORNEY