

# Resolution No. 2013-22

[CITY COUNCIL MEETING MINUTES OCTOBER 7, 2013](#)

## RESOLUTION NO. 2013-22

A RESOLUTION of the City Council of the City of Lakewood, Washington, certifying the existence of an emergency and authorizing staff to waive the contract bidding process for repairs to Zircon Drive.

WHEREAS, on October 1, 2013, a landslide occurred within the boundaries of the City of Lakewood at or near the 8100 block of Zircon Drive.

WHEREAS, also on October 1, 2013, the City Manager pursuant to RCW 39.04.280(1)(c) and (1)(e) and Lakewood Municipal Code 08.80.060, in consultation with the Public Works Director certified the existence of an emergency relative to the landslide; and

WHEREAS, absent immediate action, it is likely that the roadway may have been washed-out and lost. Part of the infrastructure around the roadway (including adjacent piping, storm drainage system and outfall structure) had already been lost, and absent immediate repairs, further infrastructure may also be lost; and

WHEREAS, the aforesaid conditions constitute an "emergency," within the meaning of RCW 39.04.280(3) inasmuch as the conditions described are likely result in material loss or damage to property, if immediate action was not taken; and

WHEREAS, for City staff to have complied with usual procedure would have jeopardized the proper, appropriate and adequate response of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON HEREBY RESOLVES as follows:

Section 1. Pursuant to RCW 39.04.280(2) and LMC 8.80.060(B), the Council certifies the existence of an emergency as set forth in October 1, 2013 Declaration of Emergency for Waiver of Public Bidding Requirements as an appropriate and authorized declaration which permits emergency public works without public bid.

Section 2. City of Lakewood Departments are authorized to do the following:

1. Enter into contracts and incur obligations necessary to combat such emergency to the extent necessary to protect the health and safety of persons and property; and
2. Provide appropriate emergency assistance; and
3. Utilize the emergency contracting authority provided by state law, including but not limited to RCW 39.80.060 and RCW 39.04.280, and waive the competitive bidding and/or selection procedures otherwise required for the City's procurement of engineering services and public work; and
4. Other actions, as appropriate and reasonably necessary to address the emergency and protect the public health, safety and welfare of the Lakewood community.

Each City of Lakewood Department is authorized to exercise the powers vested under this resolution in the light of the exigencies of the emergency situation without regard to time consuming procedures and formalities prescribed by law (except mandatory legal requirements).

Section 3. That the actions taken and expenditures made by the City Manager and the City Public Works Department in responding to the emergency generally fall within their authority and where processes were not followed, it was in the

interest of responding timely to the emergency. As such, actions taken to-date in response to the emergency are ratified.

Section 4. Severability. If any sections, sentence, clause or phrase of this Resolution shall be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property or circumstance, such invalidity or unconstitutionality or inapplicability shall not effect the validity or constitutionality of any other section, sentence, clause or phrase of this Resolution or its application to any other person, property or circumstance.

Section 5. This Resolution shall be in full force and effect upon passage and signatures hereon.

PASSED by the City Council this 7th day of October 2013.

CITY OF LAKEWOOD

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Don Anderson, Mayor

Attest:

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Alice M. Bush, MMC, City Clerk

Approved as to form:

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Heidi Ann Wachter, City Attorney