

**RESOLUTION NO. 15-03**

**CITY OF BUCKLEY, WASHINGTON**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON DECLARING AN EMERGENCY AND WAIVING THE COMPETITIVE BIDDING REQUIREMENTS FOR THE REPAIR OF THE CITY'S MCNEELY STREET STORMWATER CONVEYANCE PIPE WHICH IS CONSIDERED AS A PUBLIC WORKS PROJECT.**

**WHEREAS**, RCW 39.04.280(1)(e) provides that the governing body of a municipality may waive the competitive bidding requirement for a public works project in the event of an emergency; and

**WHEREAS**, RCW 39.04.280(3) defines "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**, Cascade Water Alliance (Cascade) owns and operates portions of the facilities within the City that supplies water to Lake Tapps Reservoir from the White River. These facilities consist of a barrier structure, intake head gates, fish screen and approximately 7.5 miles of flumes, canals, dikes, basins, and pipes (collectively referred to as the Flowline); and

**WHEREAS**, Cascade began a Flowline Outage Project in 2014 that entailed dewatering the Flowline and performing inspections and maintenance of the flumes, canals, dikes, basins and pipes. In addition, Cascade began replacement of the timber flume sections with a cast-in-place concrete flume; and

**WHEREAS**, the City of Buckley currently has several stormwater conveyance point discharges into the Cascade flume that have been in place for decades; and

**WHEREAS**, the point discharge at McNeely Street is a 30 inch corrugated steel pipe that conveys stormwater runoff from the McNeely Road Basin and discharges it directly into the Cascade flume. The flow in this basin is modeled to be up to 100 cubic feet per second (cfs) during a peak 100 year storm event; and

**WHEREAS**, the City was recently notified by Cascade that this pipe was in a deteriorated condition and runoff was leaking and sheet flowing into the project area causing disruption of construction activities and potential undermining of the flume; and

**WHEREAS**, an inspection by the City staff and City engineer confirmed the pipe deterioration and flow of water into the construction project area and flume wall as identified by Cascade; and

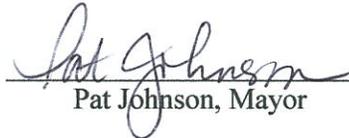
**WHEREAS**, it has been determined that the deteriorated pipe and subsequent water flow generated as a result will likely result in material loss or damage to Cascade's flume if immediate action is not taken and therefore constitutes an emergency situation and must be repaired immediately; and

**WHEREAS**, the City Council has determined that due to the timing, extent and immediate need of the repair that insufficient time exists to make the necessary repairs through the standard bidding process and utilization of the competitive bidding process and must therefore declare the situation as an emergency; and

**WHEREAS**, the City Council has therefore determined that an emergency situation exists and desires to make the necessary repairs by directing the Mayor and City Administrator to waive the competitive bidding process and award all necessary contracts on behalf of the municipality to address the emergency situation;

**NOW THEREFORE BE IT RESOLVED** that the City Council of the City of Buckley hereby declares that an emergency situation exists as a result of unrestrained/undirected water from the damaged McNeely Street stormwater conveyance pipe that will likely result in material loss and/or damage to Cascade Water Alliance's flume and authorizes the Mayor and City Administrator to waive the competitive bidding process and award all necessary contracts on behalf of the municipality to undertake immediate repairs.

Introduced, passed and approved this 10<sup>th</sup> day of February, 2015.

  
Pat Johnson, Mayor

ATTEST:



Joanne Starr, City Clerk

**APPROVED AS TO FORM:**

  
Phil A. Olbrechts

City Attorney

**Posted: February 11, 2015**