

## **ORDINANCE NO. 1999**

### **AN ORDINANCE OF THE CITY COUNCIL OF CITY OF DAYTON, WASHINGTON, DECLARING A LOCAL EMERGENCY AND WAVING THE COMPETITIVE BIDDING REQUIREMENTS FOR A PUBLIC WORKS PROJECT, RELATED TO THE EXTENSIVE DAMAGE TO THE CITY OF DAYTON'S WASTEWATER TREATMENT PLANT CAUSED BY WINTER WEATHER CONDITIONS ON DEC 22, 2022.**

**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) Presents 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**, on December 22, 2022, winter weather conditions impacted the City with extended long periods of freezing temperatures; the freezing temperatures have caused significant damage to The City of Dayton's Wastewater Treatment Plants skimmer arm gearbox and motor ; and

**WHEREAS**, the freezing temperatures created a maintenance issue which has potential to create a risk for the City of Dayton's Wastewater Treatment Plant infrastructure , health safety and welfare of the community and environmental concerns; and

**WHEREAS**, the freezing temperatures event impacted the workings of the City of Dayton's equipment, infrastructure, and/or budgetary resources as necessary to protect the health, safety, and welfare of persons, property and environment up to an estimated \$500,000; and

**WHEREAS**, the conditions stated above constitute an emergency/disaster for the City of Dayton, necessitating activation of the Columbia County Comprehensive Emergency Management Plan and the utilization of emergency powers granted pursuant to RCW 36.40.180, 38.52.070(2), and 38.52.110(1); and

**WHEREAS**, the impacts to protect the health, safety and welfare of persons, property and environment created by the Dec 22, 2022 winter storm event may require State and/or Federal assistance.

**WHEREAS**, the Dayton City Council has determined that due to the timing, location, critical function, and need for immediate repair of the Wastewater Treatment Plant , insufficient time may not exist to complete the repairs through the standard competitive bidding process and must therefore declare the situation an emergency ; and

**WHEREAS**, the Dayton City Council has therefore determined that an emergency situation exists and desires to perform the necessary repairs to the skimmer arm gearbox and motor of City of Dayton's Wastewater Treatment Plant by directing the Mayor and City Clerk to wave the competitive bidding process and award all necessary contracts on behalf of the municipality to undertake repairs.

**NOW, THEREFORE, THE CITY COUNCIL OF CITY OF DAYTON, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**SECTION 1. EMERGENCY DECLARATION.** There is, and has existed since December 22, 2022, an emergency in the City of Dayton due to freezing temperatures, resulting in equipment failure at the City of Dayton's Wastewater Treatment Plant . This resolution affirms the emergency declaration of the Dayton City Council on December 22, 2022.

**SECTION 2. MAYORAL AUTHORITY - CONTRACTING.** Pursuant to the emergency declared in Section 1, the mayor, or designee, is hereby authorized to enter into contract and incur obligations necessary to combat such emergency to protect the health and safety of persons, property, and the environment. The estimated cost for combating such an emergency is up to \$500,000.

**SECTION 3. CONFIRMING EMERGENCY ACTIONS.** The actions taken, and to be taken, by the Mayor, or designee, as are reasonably necessary to prevent or minimize the loss of life and property, are hereby confirmed.


**SECTION 4. MAYORAL AUTHORITY - REQUESTING ASSISTANCE.** The Mayor, or designee, is hereby authorized to request State and/or Federal assistance to the extent that the severity and magnitude of the disaster that is beyond the capability of City resources.

**SECTION 5. SEVERABILITY.** If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the other remaining parts which shall remain in full force and effect.

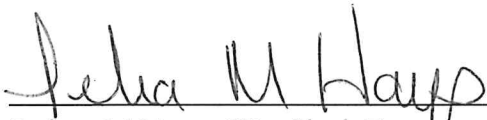
**SECTION 6. EFFECTIVE DATE.** A summary thereof of this Ordinance consisting of its title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

**PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF DAYTON, WASHINGTON, AT AN EMERGENCY MEETING THIS 14th DAY OF FEBRUARY 2023.**

City of Dayton

  
Zac Weatherford, Mayor

ATTESTED/AUTHENTICATED:

  
Debra M Hays, City Clerk Treasurer

APPROVED AS TO FORM:

  
Quinn Plant, City Attorney

**ORDINANCE SUMMARY BY TITLE ONLY FOR PUBLICATION PURPOSES**

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The full text of the Ordinance No. 1999 adopted the 14<sup>th</sup> day of February 2023, is available for examination at the Dayton City Hall, 111 South 1<sup>st</sup> Street, Dayton, WA during normal business hours, 7:00 a.m. to 4:00 p.m., Monday–Friday.

**SECTION 1. EMERGENCY DECLARATION.**

**SECTION 2. MAYORAL AUTHORITY - CONTRACTING.**

**SECTION 3. CONFIRMING EMERGENCY ACTIONS.**

**SECTION 4. MAYORAL AUTHORITY - REQUESTING ASSISTANCE.**

**SECTION 5. SEVERABILITY.**

**SECTION 6. EFFECTIVE DATE.**

By: /s/ Zac Weatherford, Mayor

Attested/Authenticated: /s/ Debra M Hays, City Clerk Treasurer

Approved as to from: /s/ Quinn Plant, City Attorney

Published:

The Waitsburg Times