

RESOLUTION NO. 2009-45

A RESOLUTION OF THE CITY OF BELLINGHAM DECLARING THAT AN EMERGENCY EXISTED JUSTIFYING AN EXEMPTION FROM THE FORMAL BID PROCESS WITH REGARD TO AN EMERGENCY ROAD REPAIR AND HILLSIDE STABILIZATION AT CHUCKANUT DR

WHEREAS, Bellingham Municipal Code section 4.80.010(E)(5), RCW 35.22.620(6) and RCW 39.04.280 authorize the City of Bellingham to dispense with formal bid processes when an emergency requires the immediate execution of a public works; and,

WHEREAS, a hillside gave away above Chuckanut Drive causing rocks, trees and debris, to slide on to and block Chuckanut Drive: and,

WHEREAS, fixing the problem requires removing the rocks, trees, debris and stabilizing the hillside and,

WHEREAS, if not repaired as soon as possible, emergency vehicles will not have access to homes and citizens in the area; and,

WHEREAS, this problem created a situation that, if not remedied quickly, could result in personal injury and material loss; and,

WHEREAS, the City contracted with a contractor with the skill and experience necessary to perform the required work and at a cost that was reasonable and fair; and,

WHEREAS, it is in the City of Bellingham's, its citizens', and the public's best interests to have entered into the contract on an emergency basis;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BELLINGHAM:

Section 1. Findings.

1.1 The City Council finds that the failure to quickly restore the passability of Chuckanut Drive posed a threat to individuals and property.

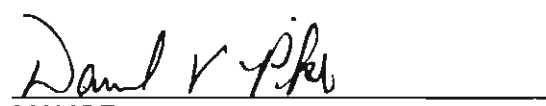
Section 2. Conclusion

Based upon the foregoing, the slide created an unforeseen emergency, not of the City's making, of such nature as to allow the City of Bellingham to dispense with the formal bid requirements and to contract for works necessary to remove the debris from the roadway and stabilize the hillside above the roadway to ensure public health, safety, and the protection of property.

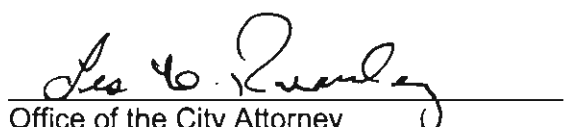
PASSED BY COUNCIL THIS 14th DAY OF December, 2009.


COUNCIL PRESIDENT

APPROVED BY ME THIS 23rd DAY OF December, 2009.


MAYOR

ATTEST: 
Finance Director

APPROVED AS TO FORM:

Office of the City Attorney