

RESOLUTION NO. 2011-19

A RESOLUTION of the City Council of Bainbridge Island, Washington, declaring an emergency and directing immediate steps to repair and stabilize Rockaway Beach Road.

WHEREAS, a segment of Rockaway Beach Road sits atop a steep bluff that drops abruptly to the beach; and

WHEREAS, despite the City's efforts to protect it, the bluff supporting Rockaway Beach Road has, through landslides and other natural processes, eroded to the point that the structural integrity of Rockaway Beach Road has been seriously threatened; and

WHEREAS, consultants retained by the City have advised that unless the City undertakes major actions to prevent it, there is a serious risk that the roadway will fail during the upcoming winter storm season; and

WHEREAS, a failure of Rockaway Beach Road would immediately endanger the health and safety of those traveling on the road, would result in the loss and damage of public and private property, and would significantly jeopardize access of emergency vehicles to the residents of Rockaway Beach; and

WHEREAS, state law defines an emergency to include "...a set of circumstances which demands immediate action to preserve public health, protect life, [or] protect public property..."; and

WHEREAS, in the event of such an emergency, state law authorizes the City to enter into contracts and incur obligations necessary to combat such an emergency and to protect the health and safety of persons and property without regard to time-consuming procedures and formalities prescribed by law; and

WHEREAS, state and City laws allow the City to waive competitive bidding requirements and award necessary contracts in the event of a real and immediate threat to the proper performance of essential functions or will likely result in material loss or damage to property, bodily injury or loss of life if immediate action is not taken; and

WHEREAS, state and City laws provide exemptions from Shorelines regulations for "...emergency construction necessary to protect property from damage by the elements" and, for these purposes, define an emergency to be "...an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter"; and

WHEREAS, Shorelines regulations allow new protective structures to be built to address an emergency situation, with permits for such structures obtained after-the-fact; and;

WHEREAS, the City Council hereby finds that conditions at Rockaway Beach Road do constitute an emergency under all applicable definitions of state and local law and require the City to take immediate steps to protect the health and safety of the public and to protect public and private property; now, therefore,

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND DOES RESOLVE AS FOLLOWS:

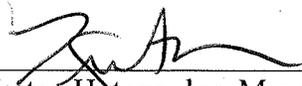
Section 1. As a result of the above-described situation, the City Council hereby proclaims that a state of emergency exists at Rockaway Beach Road and authorizes and directs the City Manager to enter into contracts, incur obligations, issue permits, and undertake work as necessary to combat the emergency and to protect the health and safety of persons and property and to exercise those powers in the light of this emergency situation without regard to time-consuming procedures and formalities prescribed by laws.

Section 2. The City Council also authorizes and directs the City Manager to take all necessary steps to build, on an emergency basis, any protective structures required to address the emergency and to obtain any required Shorelines permits after-the-fact.

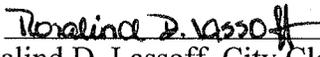
PASSED by the City Council this 24th day of August, 2011.

APPROVED by the Mayor this 24th day of August, 2011.

By:


Kirsten Hytopoulos, Mayor

ATTEST/AUTHENTICATE:

By: 
Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	August 19, 2011
PASSED BY THE CITY COUNCIL:	August 24, 2011
RESOLUTION NO.	2011-19