

RESOLUTION NO. 24-1092

A RESOLUTION DECLARING AN EMERGENCY AND RATIFYING THE MAYOR'S IMMEDIATE ACTION

WHEREAS, the City Council for the City of Lynden recognizes that from time to time emergencies occur that require a decision for immediate action; and

WHEREAS, on the evening of Thursday, January 11th, 2024, temperatures in Lynden and across northern Washington diminished to low single digits and remained so through the following Monday morning, causing frozen pipes and related water system disruptions around the City and disrupted operation of the City's Wastewater Treatment Plant; and

WHEREAS, this cold front was followed a day later by major snowfall that required City crews to go to 24-hour operations and seek snow removal and ditch clearing assistance by available contractors; and

WHEREAS, on January 28, 2024, high waters resulting from intense rain on saturated soils caused a culvert on the West side of Double Ditch Road in the City of Lynden, to collapse into Double Ditch Creek; and

WHEREAS, the culvert failure created an "emergency" situation and presented a real, immediate threat to Double Ditch Road and downstream properties that may have resulted in material loss or damage to property or bodily injury; and

WHEREAS, the urgency of the situation made it necessary to obtain outside construction services to stabilize the slope and secure the area for the safety and welfare of the citizens of Lynden without following competitive bidding requirements; and

WHEREAS, once the water level in Double Ditch Creek diminishes the City will solicit competitive bids to stabilize the ditch for the long-term;

NOW, THEREFORE, BE IT RESOLVED by the Lynden City Council of the City of Lynden, Washington, as follows:

Section 1: The City Council of the City of Lynden, Washington, hereby declares this winter storm event and resultant culvert failure on Double Ditch Road, and any other related damage, to be an emergency by approval of Resolution No. 24-1092, and that Mayor Scott Korthuis is properly authorized to convey this declaration to all public and private entities for the purpose of obtaining emergency services necessary to abate the immediate risk to the peace and safety of the citizens of the City of Lynden, Washington.

Section 2: BE IT FURTHER RESOLVED that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.

Section 3: If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Council hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the

fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this Resolution should be declared invalid or unconstitutional, then the original Resolution or Resolutions shall be in full force and effect.

Section 4: This resolution shall be in full force and effect on February _____, 2024.

PASSED BY THE CITY COUNCIL of the City of Lynden, Whatcom County, Washington, on the _____ day of February 2024 and signed and approved by the Mayor on the same date.

MAYOR SCOTT KORTHUIS

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY