

RESOLUTION 2025-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON, DECLARING A STATE OF EMERGENCY TO MAKE IMMEDIATE REPAIRS FOR THE WASTEWATER TREATMENT PLANT

WHEREAS, the municipal wastewater treatment plant (WWTP) is the community's sole means of managing municipal wastewater for the City of Toppenish and is required to operate within state and federal regulations; and

WHEREAS, on February 11, 2025, a catastrophic failure of an essential process at the WWTP failed causing partially treated sludge to exfiltrate to the ground surface causing significant damage to a building; and

WHEREAS, on February 12, 2025, City Staff identified immediate repairs required to continue to process wastewater by replacing sludge piping and components, and installation of a bypass system; and

WHEREAS, on February 20, 2025, an essential part of the WWTP including two blowers used for the aeration treatment process failed and require immediate replacement; and

WHEREAS, on February 20, 2025, the third contingency blower for the aeration treatment process was placed into operation and also requires replacement; and

WHEREAS, due to excessive loading and aged equipment at the Headworks Screen, the screen also requires immediate replacement to function; and

WHEREAS, repairs to this essential equipment at the WWTP is catastrophic in nature and present an immediate threat for processing wastewater and require attention; and

WHEREAS, funding for these repairs may be made available by declaring a state of emergency declaration; and

WHEREAS, in accordance with 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, in accordance with 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 function; or (b) will likely result in material loss or damage of property, bodily injury, or loss of life if immediate action is not taken; and 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, the City Council has determined that due to the timing and critical function and the need for immediate repair, insufficient time may not exist to complete the project

through the standard competitive bidding process and must therefore declare the situation an emergency; and

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON, AS FOLLOWS:

Section 1. The City Council recognizes an emergency exists with the failure of essential WWTP equipment and components and authorizes the Mayor and City Manager to waive the competitive bidding process and award necessary contracts on behalf of the City to undertake the repair or replacement of the WWTP equipment and components and to keep the Council apprised of the progress of the situation.

Section 2. The City Council recognizes an emergency exists and authorizes the City Manager to pursue all funding options available and to keep the Council apprised of the progress.

Section 3. This Declaration of Emergency will expire automatically when all the aforementioned repairs are completed.

Section 4. The City Clerk is authorized to make necessary corrections to this Resolution including, but not limited to, the correction of scrivener's/clerical errors, references, Resolution numbering, section/subsection numbering and any references thereto.

Section 5. This Resolution shall be effective immediately upon passage and signatures hereto.

PASSED by the Toppenish City Council at its regular meeting held on February 24, 2025.

ELPIDIA SAAVEDRA, Mayor

ATTEST:

HEIDI RIOJAS, CMC, City Clerk

APPROVED AS TO FORM:

DANIEL B. HEID, City Attorney