Attachment A

RESOLUTION NO. R2026-024

A RESOLUTION of the City Council of the City of Tumwater, Washington finding the existence of an emergency and ratifying the Emergency Declaration and Waiver of Competitive Bidding Requirements for Davis Meeker Garry Oak Risk Reduction and Preservation.

WHEREAS, the Mayor signed an Emergency Declaration and Waiver of Competitive Bidding Requirements for Davis Meeker Garry Oak Risk Reduction and Preservation on October 21, 2026; and

WHEREAS, the Davis Meeker Garry Oak, an Oregon white oak approximately 400 years old located on City right-of-way near 7525 Old Highway 99, is listed on the Tumwater Register of Historic Places; and

WHEREAS, on September 25, 2026, a windstorm with wind gusts of up to 54 miles per hour caused a 24-inch-diameter limb of the tree to fail and strike a 20-inch-diameter limb below it, bringing both limbs down onto nearby power lines; and

WHEREAS, the limb failures removed an estimated 32 percent of the tree's live crown, left two wounds each approximately five feet long and one to two feet wide, shifted the tree's center of gravity, and newly exposed the limbs on the east and north sides of the tree to prevailing southwest winds; and

WHEREAS, four days after the limb failures, the City's consulting arborist, Todd Prager and Associates, conducted a Level 2 tree risk assessment, which rated five limbs of the tree as high risk, each located over Old Highway 99 and each carrying severe consequences of failure; and

WHEREAS, the tree has a history of storm-related failures of limbs between 10 and 24 inches in diameter over the past 15 years, and Old Highway 99, parked vehicles, the adjacent Washington State Patrol hangar, and overhead power lines are all within reach of the tree; and

WHEREAS, until the high-risk limbs are addressed, the City must plan to close Old Highway 99 near the tree during severe weather, disrupting travel for the public; and

WHEREAS, on October 15, 2026, the Tumwater Historic Preservation Commission voted unanimously, consistent with Option 1 (Tree Retention) of the risk assessment, to direct the City to secure a new or revised DAHP permit for

treatment of the tree and to maximize structural pruning, and to act with urgency; and

WHEREAS, the Davis Meeker Garry Oak is a historic tree and as such requires arborists and contractors with specialized qualifications and experience in the care of large, mature trees, working under the conditions of a DAHP permit; and

WHEREAS, the risk reduction and preservation work must commence immediately. The longer the work is delayed, the longer the high-risk limbs remain over Old Highway 99, and the greater the risk to the public and to the tree; and

WHEREAS, the September 25, 2026 windstorm was an unforeseen circumstance beyond the control of the City, and the resulting condition of the Davis Meeker Garry Oak presents a real, immediate threat of bodily injury, loss of life, or material loss or damage to property, and of further irreversible loss of a historic resource, if immediate action is not taken; and

WHEREAS, RCW 39.04.280 and Section 3.5.5 of the Tumwater Purchasing Manual provide for an emergency exemption to competitive bidding requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUMWATER AS FOLLOWS:

Section 1. The City Council of the City of Tumwater finds, due to the windstorm damage to the Davis Meeker Garry Oak on September 25, 2026, and for all reasons stated in the Emergency Declaration and Waiver of Competitive Bidding Requirements for Davis Meeker Garry Oak Risk Reduction and Preservation signed by the Mayor on October 21, 2026, an emergency exists requiring waiver of competitive bidding requirements for the following work on the Davis Meeker Garry Oak. This Resolution, together with the Mayor's Emergency Declaration, constitutes the written finding of the existence of an emergency required by RCW 39.04.280.

Section 2. The City Administrator is authorized to take such measures as are necessary to expedite and enter into contracts for the work described in Section 1 without the necessity of following the competitive bidding requirements set forth in the City's Purchasing Manual. The City Administrator shall report all contracts awarded under this authority to the City Council and shall return to the City Council for any budget amendment necessary to fund the work.

Section 3. **Ratification**. Any act consistent with the authority and prior to the effective date of this Resolution is hereby ratified and affirmed.

Section 4. **Severability**. The provisions of this Resolution are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this Resolution or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the Resolution, or the validity of its application to other persons or circumstances.

Section 5. **Effective Date**. This Resolution shall become effective immediately upon adoption and signature as provided by law.

RESOLVED this 2nd day of November, 2026.

CITY OF TUMWATER

_____
Leatta Dahlhoff, Mayor

ATTEST:

_____
Melody Valiant, City Clerk

APPROVED AS TO FORM:

_____
Karen Kirkpatrick, City Attorney