TO: City Council

FROM: Kelly Adams, Assistant City Administrator

DATE: November 2, 2026

SUBJECT: Resolution No. R2026-024, Ratifying the Emergency Declaration and Waiver of Competitive Bidding Requirements for Davis Meeker Garry Oak Risk Reduction and Preservation

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1) Recommended Action:

Adropt Resolution No. R2026-024, finding that an emergency exists and ratifying the Mayor's Emergency Declaration for the Davis Meeker Garry Oak.

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2) Background:

The Davis Meeker Garry Oak, an Oregon white oak approximately 400 years old on City right-of-way near 7525 Old Highway 99, is listed on the Tumwater Register of Historic Places. On September 25, 2026, a windstorm brought two large limbs down, removing about 32 percent of the tree's live crown.

A Level 2 risk assessment by Todd Prager and Associates rated five limbs over Old Highway 99 as high risk. Until they are addressed, the City must plan to close the road near the tree during severe weather. On October 15, 2026, the Historic Preservation Commission unanimously directed staff to retain the tree, secure a new or revised Department of Archeological and Historical Preservation (DAHP) permit, and complete structural pruning during the dormant season.

Because the work requires specialized arborists working under a DAHP permit and must begin quickly, the Mayor signed an Emergency Declaration on October 21, 2026, waiving competitive bidding for the work. The resolution ratifies that declaration.

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3) Policy Support:

RCW 39.04.280 and Section 3.5.5 of the Tumwater Purchasing Manual allow an exemption from competitive bidding in an emergency, supported by a written finding of the emergency.

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4) Alternatives:

- ❑ Approve the resolution with changes.
- ❑ Do not approve and direct staff to competitively bid the work, likely delaying pruning past the dormant season.

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5) Fiscal Notes:

Contract amounts are not yet known. The City Administrator will report all contracts awarded to the Council and return with any budget amendment needed to fund the work.

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6) Attachments:

A. Resolution No. R2026-024
B. Emergency Declaration, signed October 21, 2026