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Attachment K

EMERGENCY DECLARATION
AND
WAIVER OF COMPETITIVE BIDDING REQUIREMENTS
FOR
DAVIS MEEKER GARRY OAK RISK REDUCTION AND PRESERVATION

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 consistent with keeping the tree alive, and to act with urgency so that the pruning occurs during the dormant season; and

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

NOW, THEREFORE, be it declared by the Mayor of the City of Tumwater, Washington:

Section 1. An emergency is hereby declared as a result of the windstorm damage to the Davis Meeker Garry Oak on September 25, 2026. The Davis Meeker Garry Oak is a historic tree and as such requires special care in its treatment. 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.

Section 2. Due to the emergency declared in Section 1, competitive bidding requirements are hereby waived for the following work on the Davis Meeker Garry Oak: revision of the treatment plan and preparation of permit documentation; structural reduction pruning; supplemental support systems; and the traffic control and target management measures needed to protect the public until that work is complete. The City Administrator is authorized to award all necessary contracts on behalf of the City to address the emergency situation.

Section 3. This declaration constitutes the written finding of the existence of an emergency required by RCW 39.04.280. The City Administrator shall report all contracts awarded under this declaration to the City Council and shall return to the City Council for any budget amendment necessary to fund the work.

DECLARED this 21st day of October, 2026.

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Signed by:
Leatta Dahlhoff
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LEATTA DAHLHOFF, Mayor

Approved as to form:

DocuSigned by:
Karen Kirkpatrick
5011BA3DE4C345C...

Karen Kirkpatrick, City Attorney

Attest:

DocuSigned by:
Melody Valiant
E67ECE580BA04BB...

Melody Valiant, City Clerk