

RESOLUTION 2008

A RESOLUTION OF THE CITY OF NORTH BEND, WASHINGTON, DECLARING AN EMERGENCY PURSUANT TO RCW 39.04.280(2)(b), WAIVING THE COMPETITIVE BIDDING REQUIREMENTS FOR AWARD OF A SOLID WASTE COLLECTION CONTRACT TO GERARD RESOURCES AND RECYCLABLES, LLC FOR THE PROVISION OF SOLID WASTE COLLECTION SERVICE TO THE CITY DURING THE DECLARED EMERGENCY, AND SETTING FORTH FINDINGS OF FACT IN SUPPORT OF THE DECLARATION OF EMERGENCY

WHEREAS, Republic Services of Bellevue (“Republic”) provides garbage, recyclables, and compostables collection services to the City of North Bend; and

WHEREAS, beginning on December 26, 2021, the City experienced a disruption in solid waste collection service due to snow, which was extended to January 17, 2022, due to a labor strike by Republic employees; and

WHEREAS, the disruption of solid waste collection service within the City beginning on December 26, 2021, created a threat to life and property in the City and the surrounding community, and on January 13, 2022, the City issued a Proclamation of Emergency; and

WHEREAS, the disruption in solid waste collection service constituted an emergency as defined by the North Bend Emergency Management Plan and necessitated the utilization of emergency powers granted pursuant to North Bend Municipal Code Chapter 2.68 and RCW 35.33.081 and 39.04.280(2)(b); and

WHEREAS, RCW 39.04.280(2)(b) provides that if an emergency exists, the person or persons designated by the governing body of the municipality to act in the event of an emergency may declare an emergency, waive competitive bidding requirements, and award all necessary contracts on behalf of the municipality to address the emergency situation; and

WHEREAS, RCW 39.04.280(2)(b) further provides that if a contract is awarded without competitive bidding due to an emergency, a written finding of the existence of an emergency must be made by the governing body or its designee and duly entered of record no later than two weeks following the award of the contract; and

WHEREAS, as authorized by RCW 39.04.280(2)(b), on Friday, January 14, 2022, the City entered into a contract with Gerard Resources and Recycling LLC (“Gerard”) for the provision of solid waste collection services without engaging in competitive bidding requirements; and

WHEREAS, the City herein presents written findings of the existence of an emergency and duly enters these findings no later than two weeks following the award of the contract to Gerard;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Findings of Fact: The recitals above, set forth as “WHEREAS” clauses, are by this reference incorporated herein as findings of fact as required by RCW39.04.280(2)(b); further, the Proclamation of Emergency attached hereto as Exhibit A and incorporated by this reference constitutes additional findings of fact.

Section 2. Declaration of Emergency: The City Council finds that the disruption in solid waste collection presented an “emergency” within the definition of RCW 39.04.280(3).

PASSED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 1ST DAY OF FEBRUARY, 2022.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Rob McFarland, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Effective: February 1, 2022
Posted: February 2, 2022

Susie Oppedal, City Clerk