

## ORDINANCE NO. 746

An Ordinance of the Town Council of the Town of Coupeville, Island County, Washington, declaring the loss of Well 1-08 pump a Town emergency.

WHEREAS, RCW 35.33.081 requires that the town legislative body shall adopt an ordinance stating the facts constituting the emergency and the estimated amount required to meet it and declaring that an emergency exists, before allowing any expenditure therefor; and

WHEREAS, RCW 35.33.081 authorizes the Town to make emergency expenditures immediately, upon passage of an ordinance declaring an emergency, for certain type of emergencies impacting the public health and safety of the Town and the passage of such ordinance requires the vote of one more than the majority of all members of the legislative body of the town.; and

WHEREAS, Well 1-08 currently provides two-thirds of the raw water required to produce drinking water for the entire Town of Coupeville and the associated service area; and

WHEREAS, the pump associated with Well 1-08 has failed which has required the Town to utilize the remaining three wells to try to keep up with demand, however, the reservoirs are being reduced and the demand is increasing due to the much higher than normal temperatures in the area; and

WHEREAS, the Town Council declares the loss of Well 1-08 pump a Town emergency, authorizing the use of emergency funds and purchasing procedures; and

WHEREAS, this event constitutes an emergency under RCW 38.52.010(6)(a) and necessitates the utilization of emergency powers set forth under RCW 38.52.070, specifically the authorization to enter into contracts “without regard to time-consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements), including, but not limited to, budget law limitations, requirements of competitive bidding and publication of notices, provisions pertaining to the performance of public work...”;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF COUPEVILLE, WASHINGTON, AS FOLLOWS:**

**Section 1.** Well 1-08 currently provides two-thirds of the raw water required to produce drinking water for the entire Town of Coupeville service area. Additionally, the recitals stated above are hereby adopted as findings in support of the declaration of an emergency.

**Section 2.** The emergency repair, the purchase and installation of a new pump, is estimated to cost \$40,000.

**Section 3.** The Town of Coupeville 2018 budget includes emergency repair funds (\$200,000) in the Water Utility for use in a declared Water Utility emergency.


**Section 4.** The Town of Coupeville declares the loss of the pump at Well 1-08 an emergency and, authorizes the use of emergency funds in the Water Utility, and the implementation of emergency purchasing procedures to replace the pump without regard to the formal competitive bidding requirements and the associated publication of notices.


**Section 5.** Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 6.** Effective Date. This Ordinance, pursuant to RCW 35.33.081, shall take effect and be in full force immediately.

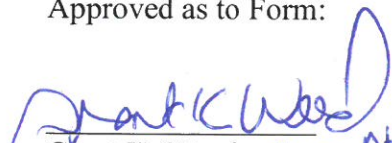
PASSED by the Town Council and APPROVED by the Mayor this 24 day of July, 2018.

TOWN OF COUPEVILLE

By   
Molly Hughes, Mayor

By   
Kelly Beech, Clerk-Treasurer

Approved as to Form:

  
Grant K. Weed Town Attorney