

THE BOARD OF COUNTY COMMISSIONERS

FOR THE COUNTY OF TILLAMOOK IN THE STATE OF OREGON

In the Matter of Declaring Emergency)
 Circumstances Requiring the Prompt)
 Execution of a Public Contract for)
 Emergency Flood Mitigation)

ORDER

#08-020

FILED

FEB 04 2008

TASSI O'NEIL
COUNTY CLERK

This matter came before the Tillamook County Board of Commissioners at its regular meeting this 4th day of February, 2008 at which time it appears that there is a need for requiring that emergency flood mitigation be exempted from the competitive public contracting requirements. Being fully apprised of the records and files herein, the Board finds as follows:

1. Record breaking rainfall during the first part of December 2007 produced flooding of record proportions on Wilson River and its tributaries in Tillamook County and resulted in a Presidential disaster declaration.
2. By letter dated December 12, 2007 from Stephen K. Todd, Meteorologist in Charge, the National Weather Service warned that the La Nina event in the equatorial Pacific is expected to influence weather in the Pacific Northwest for the next several months. The letter concludes that there is an outlook for above-normal rainfall and higher than normal risk of flooding through the rest of this winter.
3. In response to this threat, the U.S. Army Corps of Engineers, as part of its Advance Measures authority, identified two sites where a series of gated spillways would have significant flood damage reduction benefits: one site is on the county-owned property at the confluence of the Trask and Wilson Rivers and the other site is on Tone Road in the Trask River Drainage District.
4. The heightened risk to the public health, safety and welfare from flooding this winter would be lessened if the identified gated spillways could be constructed at the earliest opportunity.
5. Pursuant to ORS 279C.335(6) and OAR 137-049-0150(1), a public contracting agency may award a public improvement contract in response to an emergency without using a competitive solicitation after declaring that an emergency exists in accordance with rules adopted under ORS 279A.065.
6. With the forecasted risk for additional flooding and the need for these gated spillways, emergency conditions exist requiring the prompt execution of a public contract for their construction.
7. Nehalem Marine is a highly qualified and capable local contractor that has constructed a number of such gated spillways for federal agencies, has the equipment and materials needed to efficiently and cost effectively construct the spillways, and is presently available to do the work.

Tillamook County



Land of Cheese, Trees and Ocean Breeze

201 Laurel Avenue
Tillamook, Oregon 97141

Tillamook County Commissioners
Mark Labhart. Charles Hurliman. Tim Josi
503-842-3403
FAX 842-1384
TTY Oregon Relay Service

December 17, 2007

Governor Ted Kulongoski
250 State Capitol
Salem, Oregon 97310

RE: Request for Advance Emergency Measures

Governor Kulongoski:

As you know, recent years have seen an increase in the frequency and magnitude of flooding in Tillamook County, causing extensive damage to homes, businesses, and public facilities. Two record-setting floods have occurred in the last 13 months.

The National Weather Service has warned Tillamook County of an imminent threat of continued flooding under the long range outlook for this winter's storm season.

Since the February 1996 flood event, local, state and federal agencies (including FEMA Region X and the U.S. Army Corps of Engineers - Portland District) have been working together under the Performance Partnership, Project Impact, a section 206 Feasibility Study and, more recently following the November 2006 flood event, with Oregon Solutions to identify mitigation projects that address flood damages.

Recent intensive investigations have isolated several critical locations in our county which are major contributors to two areas where major economic damages occur. All local resources have been committed to addressing this threat.

Tillamook County is hereby requesting advance emergency measures assistance for three spillway/floodgate projects: one at the confluence of the Trask and Wilson Rivers, one on Tone Road, and one just north of the Highway 101/53 Junction. Tillamook County will assume maintenance of the first structure; and local Drainage Districts are willing to accept responsibility for the other two structures.

Governor Ted Kulongoski
December 17, 2007
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These three projects have been identified with favorable cost/benefit ratios that will significantly reduce the level and duration of flooding in our most critical drainage areas. These proposed measures are consistent with actions identified in the Comprehensive Coordinated Management Plan for the Tillamook Bay National Estuary Project and the Tillamook County Flood Hazard Mitigation Plan.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON



Mark Laphart, Chair



Charles J. Hurliman, Vice-Chair



Tim Josi, Commissioner



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Weather Service
5241 NE 122nd Avenue
Portland, Oregon 97230-1089
(503) 326-2340 phone
(503) 326-2598 fax
www.weather.gov/Portland

December 12, 2007

Thomas E. Manning, Director
Tillamook County Dept. of Emergency Management
5995 Long Prairie Road
Tillamook, Oregon 97414

Dear Tom:

Following the major flooding on the Wilson, Nehalem, and other Tillamook County rivers in early December 2007 and the subsequent damage to flood protection structures, we want to address your question about the possibility of additional flooding this winter for use in your planning decisions.

We have reviewed the official long-range outlooks from the NOAA/National Weather Service's Climate Prediction Center (CPC) to ascertain the outlook for the rest of the winter. The La Niña event in the equatorial Pacific is expected to influence weather in the Pacific Northwest for the next several months. The CPC is predicting an enhanced probability of above-normal precipitation for Northwest Oregon during the winter months, while the outlook for temperatures is for equal chances of normal, above-normal, or below-normal totals for December through February.

Given the outlook for above-normal precipitation, what then is the risk of flooding for the Wilson River and other rivers in Tillamook County for the rest of the winter? In looking at the historical record for the past two decades, it can be seen that flooding occurs frequently on rivers in Tillamook County. For the Wilson River gage upstream of the City of Tillamook, 13 of the past 20 winter seasons have had episodes of flood stage being exceeded; in other words, at least minor flooding has occurred more often than not during the past 20 winters. The winters with flooding include 7 seasons with multiple flood events. Notably, significant flooding has occurred in every recent La Niña episode, including the floods of February 1996, December 1998, February 1999, and December 1999. With the outlook for above-normal rainfall, it is our view that there is higher than normal risk of flooding through the rest of this winter.

Please let us know if you like additional information or assistance in assessing the risk of flooding in your area. We value our partnership with you in serving the people of Tillamook County.

Sincerely,

Stephen K. Todd
Meteorologist in Charge



Tillamook County



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201 Laurel Avenue
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Tillamook County Commissioners
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FAX 842-1384
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December 17, 2007

Colonel Thomas O'Donovan
Department of the Army
Corps of Engineers
PO Box 2946
Portland OR 97208

RE: Advance Emergency Measures

Dear Colonel O'Donovan:

On Friday, December 14 2007, Governor Kulongoski initiated a request for three emergency advanced measures in Tillamook County.

While we understand and appreciate the enormous workload this imposes on the Corp's already thinly stretched resources, we would implore that these projects be given the highest priority and that the modeling and design work be done by the end of January.

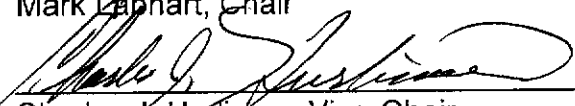
We are still haunted by the specter of the February 1996 La Niña disaster. With the rapid approach of February 2008 in now another La Niña year, on the heels of the December 2007 event, time is of the essence.

Please do not hesitate to contact us if there is anything we can do to help expedite this crucially important project.

Sincerely,
BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON



Mark Labhart, Chair



Charles J. Hurliman, Vice-Chair



Tim Josi, Commissioner