



Board Session Agenda Review Form

Meeting date: June 14, 2023

Department: Public Works Agenda Planning Date: Time required: 5 min

Audio/Visual aids Powerpoint

Contact: Ryan Crowther, PE Phone: 503-365-3112

Department Head Signature: *Brian Hill*

TITLE Consider an Emergency Declaration Due to the Scour, Erosion and Potential Failure of Nusom Road NE

Issue, Description & Background Public Works has been monitoring the migration of Abiqua Creek in the vicinity of Nusom Road NE for several years. Abiqua Creek has been slowly advancing toward Nusom Road through stream bank scour and erosion. Heavy creek flows caused by above-average precipitation and snow melt during Spring 2023 greatly accelerated the rate of scour. Given the rate at which scour is now advancing, staff project that Nusom Road will wash out before the end of Spring 2024. Action must be taken during the Summer 2023 to revet the stream bank and prevent the failure of public infrastructure.

This emergency declaration will allow staff to proceed with contracting for construction services using Marion County's emergency procurement procedures to ensure the work is completed before winter rains set in.

Financial Impacts: This emergency declaration has no direct financial impacts to the county. However, it will allow work to proceed on the Nusom Road Scour Repair project, which is a proposed capital expenditure in the upcoming 2023/24 fiscal year budget.

Impacts to Department & External Agencies None.

Options for Consideration: 1) Approve the Emergency Declaration for the Nusom Road/Abiqua Creek Scour Repair
2) Take no action at this time.

Recommendation: Staff recommend the Board choose option 1 and approve the Emergency Declaration for Nusom Road NE, allowing emergency scour repair work to proceed using Marion County's emergency procurement procedures.

List of attachments: Emergency Declaration Due to the Scour, Erosion and Potential Failure of Nusom Road NE

Presenter: Ryan Crowther, PE, Captial Projects Supervisor

Copies of completed paperwork sent to the following: (Include names and e-mail addresses.)

Copies to:

BEFORE THE BOARD OF COMMISSIONERS
FOR MARION COUNTY, OREGON

In the Matter of Declaring)
an Emergency due to the)
Scour, Erosion and Potential)
Failure of Nusom Rd. NE)

RESOLUTION NO. _____

This matter came before the Board of Commissioners on June 14, 2023, involving an emergency situation created by the encroachment of Abiqua Creek, severe bank erosion, scour and resultant potential failure of Nusom Road NE; and

WHEREAS, ORS 401.305 provides authority for Marion County to act as an emergency management agency, including authority to establish policies and protocols for defining and directing responsibilities during time of emergency; and

WHEREAS, Marion County has enacted Marion County Code Chapter 2.35 pursuant to the authority granted by ORS Chapter 401 that provides for executive responsibility in times of emergency and specifically delegates authority to declare a state of emergency to the County Board of Commissioners. If circumstances prohibit timely action of the Board of Commissioners the duties shall be performed by The Emergency Management Board Designee, Chair, Vice-Chair, third member of the Board, Chief Administrative Officer, Emergency Management Director, or the Sheriff (in this order); and

WHEREAS, ORS 279C.320(1) and ORS 279B.080 provide authority for Marion County to make or authorize others to make emergency procurements of goods or services in an emergency; and

WHEREAS, Abiqua Creek has continued to meander and encroach upon Nusom Road NE resulting in severe bank erosion and potential failure of the road. Several feet of river bank shoulder have eroded over the last several months. The bank failure has progressed such that the road itself is at severe risk of failure. The road is a critical route for area residents with no viable detour. It is imperative that construction work begin immediately such that the road repair can be completed in summer 2023. Now, therefore it is RESOLVED that the Marion County Board of Commissioners formally declares an emergency for Marion County due to the scour, erosion, and potential failure of Nusom Rd. This situation poses significant additional risks of property damage and substantial extraordinary expense to the county, and it is further

RESOLVED that emergency procurements of goods and services are authorized pursuant to ORS 279B.080 and execution of a public contract for emergency construction is authorized pursuant to ORS 279C.335(6) and Marion County Public Contracting Rule 40-0150; and it is further

RESOLVED that this declaration of emergency due to the scour, erosion and potential failure of Nusom Rd. NE which threatens critical transportation routes and risks substantial extraordinary expense and additional property damage to the county shall be effective immediately upon signature of the Marion County Board of Commissioners.

DATED this day of June 2023

MARION COUNTY BOARD OF COMMISSIONERS

Chair

Commissioner

Commissioner