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Proposed No.:

95-118

ORDINANCE NO. **12163**

AN ORDINANCE relating to county management procedures after a determination or proclamation of an emergency or disaster, revising the county purchasing procedures applicable during an emergency, defining emergency management procedures, describing the emergency management powers of the executive and providing for continuity of government in the event of an emergency or disaster amending Ordinance 3441, Section 5 and K.C.C. 4.16.050, amending Ordinance No. 1058, Section 2 and K.C.C. 12.52.020, amending Ordinance No. 1058, Section 3 and K.C.C. 12.52.030, amending Ordinance 10808, Section 3, Ordinance 7790, Section 2, and K.C.C. 2.56.010, amending Ordinance No. 7790, Section 3, as amended and K.C.C. 2.56.020, amending Ordinance No. 7790, Section 5, as amended and K.C.C. 2.56.040, amending Ordinance No. 7790, Section 7, as amended and K.C.C. 2.56.060, adding a new section to K.C.C. 1.28 adding a new definitions section at K.C.C. 12.52.010, and repealing Ordinance 1058, Section 1, as amended, and K.C.C. 12.52.010.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings. The council finds that the current requirement contained in K.C.C. 4.16.050 and 4.18.070 to receive council approval before waiving the requirements of K.C.C. 4.16 and 4.18 for contracts or purchases that exceed \$50,000 does not give the executive the necessary flexibility to respond to emergencies that threaten public health and safety. In addition, county employees charged with responding to such emergencies are currently subject to personal liability if they are knowingly responsible for any contract or purchase in excess of an appropriation. Thus, a county employee must, in the face of a serious emergency, decide whether to imperil the public or risk personal liability. This is an untenable situation in which to place county employees. This ordinance is necessary to permit the executive to respond to emergencies that require contracts or purchases in excess of \$250,000 or for which there is no existing appropriation.

1 SECTION 2. Ordinance 3441, Section 5, as amended, and K.C.C. 4.16.050 are each
 2 hereby amended to read as follows:

3 **Emergency purchases.** A. In the event of an emergency caused by fire, flood,
 4 explosion, storm, earthquake, epidemic, riot, insurrection, or for the immediate
 5 preservation of order or of public health or for the restoration to a condition of usefulness
 6 of any public property, the usefulness of which has been destroyed or where delay will
 7 result in financial loss to the county, or for the relief of a stricken community overtaken by
 8 such occurrences, ((when the public interest or property of the county would suffer
 9 material injury or damage by delay,)) the executive may issue a determination of
 10 emergency or proclaim an emergency pursuant to K.C.C. 12.52 ((upon determining the
 11 existence of such emergency and)) reciting the facts constituting the same, ((, the director))
 12 Upon issuance of such a determination or proclamation the executive ((or his designee))
 13 may issue a waiver of the requirements of K.C.C. 4.04, 4.16, 4.18, 12.16 and 12.18 with
 14 reference to any contract relating ((either)) to the county's lease or purchase of tangible
 15 personal property or services, contracts for public works as defined by RCW 39.04.010, or
 16 to the ((requirements for the)) selection and award of professional and/or technical service
 17 consultant contracts, ((; provided, that such exemption shall only apply to those contracts
 18 having a value of less than fifty thousand dollars to the contractor or consultant)). Such
 19 waiver shall continue in force and effect until terminated by order of the executive or
 20 action by the council by ordinance. Provided, however, that waivers for contracts entered
 21 into, which combined, encumber funds either in excess of two hundred fifty thousand
 22 dollars, or in excess of appropriation shall be subject to the provisions of section B below.

23 An emergency waiver of the requirements of K.C.C. 4.18, 12.16 and 12.18.095,
 24 pursuant to this section, shall not amend the annual utilization goals unless the emergency
 25 makes it impossible to achieve the annual utilization goals. The executive shall report, in
 26 détail, such emergency expenditures to the county council within forty-five((thirty)) days
 27 of determining((declaring)) an emergency. ((Should an determined emergency require the
 28 expenditure of funds in excess of fifty thousand dollars, any such additional expenditure
 29 shall be approved by motion of the council, accompanied, if necessary, by an
 30 appropriations ordinance, declaring an emergency, following the executive's

1 recommendation. The executive's recommendation shall include such statements as are
2 necessary to fully explain the emergency. Purchases/contracts involving an emergency
3 circumstance shall be approved by the county executive or his designee when the cost
4 exceeds twenty five thousand dollars; provided, that no contract or purchase shall be
5 consummated to expend any money or incur any liability in excess of amounts
6 appropriated by ordinance.))

7 B. Waivers for contracts, which combined for each emergency, exceed two hundred
8 fifty thousand dollars, or are in excess of appropriation shall be forwarded to the clerk of
9 the council no later than 10:00 a.m. the second business day after it is issued. Such waiver
10 shall continue to have force and effect until terminated by order of the executive or action
11 of the council by ordinance, or until it expires, which shall be ten calendar days after there
12 have been contracts entered into, which combined, encumber funds either in excess of two
13 hundred fifty thousand dollars, or in excess of appropriation. The council, by motion, may
14 extend a waiver beyond the ten-day period above.

15 C. In the event a waiver authorized under this section expires or is terminated, no
16 further contracts or purchases may be made without complying with the non-emergency
17 contracting provisions of K.C.C. 4.04, 4.16, 4.18, 12.16 and 12.18. Any contract entered
18 into under the authority of this section shall contain provisions allowing the county to
19 terminate the contract for convenience or as a result of the expiration or termination of an
20 emergency waiver as provided in this section. Such contract termination provisions shall
21 authorize the county to pay the contractor only that portion of the contract price
22 corresponding to work completed to the county's satisfaction prior to termination, together
23 with costs necessarily incurred by the contractor in terminating the remaining portion of
24 work, less any payments made before termination.

25 D. Reasonably necessary expenditures to respond to the emergency caused by fire,
26 flood, explosion, storm, earthquake, epidemic, riot, insurrection, or for the immediate
27 preservation of order or of public health or for the restoration to a condition of usefulness
28 of any public property, the usefulness of which has been destroyed or where delay will
29 result in financial loss to the county, or for the relief of a stricken community overtaken by
30 such occurrences, that are directly associated and reasonably limited to stabilizing or

1 repairing the public health, safety, interest, or property of the county that resulted in the
2 emergency will not result in contracts or purchases being null and void, notwithstanding
3 the lack of an appropriation. If the responsible director determines that the expenditures
4 were made in excess of an appropriation, the executive will request an appropriation,
5 specifying the source of funds.

6 NEW SECTION. SECTION 3. Ordinance No. 1058, Section 1, as amended, and
7 K.C.C. 12.52.010 are each hereby repealed and the following is substituted:

8 **Definitions.** The following definitions shall apply in the interpretation and
9 implementation of this chapter:

10 A. "Emergency" or disaster" means an event or set of circumstances such as fire,
11 flood, explosion, storm, earthquake, epidemic, riot or insurrection, which demands the
12 immediate preservation of order or of public health or the restoration to a condition of
13 usefulness of any public property, the usefulness of which has been destroyed or where
14 delay will result in financial loss to the county or for the relief of a stricken community
15 overtaken by such occurrences or which reaches such a dimension or degree of
16 destructiveness as to warrant the executive proclaiming a state of emergency pursuant to
17 K.C.C. 12.52.030.

18 B. "Emergency management" means the preparation for and carrying out of all
19 emergency functions, other than functions for which the military forces are primarily
20 responsible, to mitigate, prepare for, respond to, and recover from emergencies and
21 disasters, and to aid victims suffering from injury or damage, resulting from disasters
22 caused by all hazards, whether natural or human-made, and to provide support for search
23 and rescue operations for persons and property in distress pursuant to the provisions of
24 chapter 38.52 RCW.

25 C. "Emergency worker" means any person, including but not limited to an architect
26 registered under chapter 18.08 RCW or a professional engineer registered under chapter
27 18.43 RCW, who is registered with the county or state of Washington and/or holds an
28 identification card issued by the county or the state of Washington for the purpose of
29 engaging in authorized emergency management activities or is an employee of the state of

1 Washington or any political subdivision thereof who is called upon to perform emergency
2 management activities.

3 D. "Injury" means and includes accidental injuries and/or occupational diseases
4 arising out of emergency management activities.

5 E. "Search and rescue" means the acts of searching for, rescuing, or recovering by
6 means of ground, marine, or air activity any person who becomes lost, injured, or is killed
7 while outdoors or as a result of a natural or human-made disaster, including instances
8 involving searches for downed aircraft when ground personnel are used.

9 SECTION 4. Ordinance No. 1058, Section 2, and K.C.C. 12.52.020 are each hereby
10 amended to read as follows:

11 **Emergency powers conferred upon executive - Mutual aid - Compensation for**
12 **~~((civil defense))~~ emergency workers.**

13 A. Because of the existing and increasing possibility of the occurrence of disasters
14 of unprecedented size and destructiveness (~~((resulting from enemy attack, sabotage, or other~~
15 ~~hostile action, riot, civil disturbance, or from fire, flood, storm, earthquake, or other natural~~
16 ~~causes))), and in order to (~~((insure))~~ ensure that preparations of King County will be
17 adequate to deal with such disasters, and further to (~~((insure))~~ ensure adequate support for
18 search and rescue operations, (~~((and))~~ to manage recovery from such disasters to generally
19 ~~((to provide for the common defense and to))~~ protect the public peace, health, and safety,
20 and to preserve the lives and property of the people of King County, it is hereby found and
21 declared to be necessary:~~

22 1. To confer upon the (~~((King County))~~) executive the emergency powers
23 provided herein pursuant to K.C.C. 2.56;

24 2. To provide for the rendering of mutual aid among the political subdivisions of
25 King County and with other (~~((adjoining))~~) counties and to cooperate with (~~((the))~~) state (~~((of~~
26 ~~Washington))~~ governments, the provinces of the Dominion of Canada and the ((F)) federal
27 ~~((G))~~ government with respect to the carrying out of (~~((civil defense))~~ emergency
28 management functions pursuant to K.C.C. 2.56 and chapter 38.52 RCW; and

1 3. To provide a means of compensating ~~((civil defense))~~ emergency workers
 2 who may suffer any injury as defined by chapter 38.52 RCW ((38.52)) as a result of
 3 participation in ~~((civil defense))~~ emergency management service.

4 B. All emergency management functions of the county shall be coordinated to the
 5 maximum extent with the comparable functions of state governments, the federal
 6 government, and private agencies of every type, so that the most effective preparation and
 7 use may be made of county resources and facilities for addressing any disaster that may
 8 occur.

9 SECTION 5. Ordinance No. 1058, Section 3, as amended, and K.C.C. 12.52.030 are
 10 each hereby amended to read as follows:

11 **Powers Delineated.** The ~~((King County))~~ executive shall see that the Washington
 12 State laws and ordinances of King County are enforced, and shall direct and control all
 13 subordinate officers of the county, except insofar as such enforcement, direction and
 14 control is by King County Charter reposed in some other officer or board, and shall
 15 maintain the peace and order in King County.

16 A. Whenever an ~~((enemy attack is made against the United States or other major~~
 17 ~~national disaster, or earthquake, volcano eruption, flood, fire, sabotage, civil disturbance,~~
 18 ~~riot, unlawful assembly, or insurrection, or the imminent threat thereof))~~ emergency or
 19 disaster occurs in King County and results in the death or injury of persons or the
 20 destruction of property to such extent as to require, in the judgment of the ~~((King County))~~
 21 executive, extraordinary measures to protect the public peace, safety and welfare, the
 22 ~~((King County))~~ executive may forthwith proclaim in writing the existence of such an
 23 emergency.

24 B. Upon the proclamation of an emergency by the ~~((King County))~~ executive, and
 25 during the existence of such emergency, the ~~((King County))~~ executive may make and
 26 proclaim any or all of the following orders:

27 1. An order recalling King County employees from vacation, canceling days off,
 28 authorizing overtime, or recalling selected retired employees~~((, and the emergency~~
 29 ~~procurement of supplies and equipment without formal bidding procedures))~~;

1 2. An order waiving the requirements of K.C.C. 4.04, 4.16, 4.18, 12.16 and
 2 12.18.095 with reference to any contract relating to the county's lease or purchase of
 3 supplies, equipment, personal services or public works as defined by RCW 39.04.010, or
 4 to any contract for the selection and award of professional and/or technical consultant
 5 contracts. Provided, however, that an emergency waiver of the requirements under K.C.C.
 6 4.18, 12.16 and 12.18 shall not amend the annual utilization goals unless the emergency
 7 makes it impossible to achieve the annual utilization goals.

8 ~~((2))~~3. An order directing ~~((the))~~ evacuation and/or ~~((to))~~ clearing of debris and
 9 wreckage ~~((resulting from))~~ caused by an emergency or ((major)) disaster from publicly
 10 and privately owned lands and waters;

11 ~~((3))~~4. An order imposing a general curfew applicable to King County as a
 12 whole, or to such geographical area or areas of King County and during such hours, as
 13 ~~((he))~~ the executive deems necessary, and from time to time to modify the hours such
 14 curfew will be in effect and the area or areas to which it will apply;

15 ~~((4))~~5. An order requiring any or all business establishments to close and remain
 16 closed until further order;

17 ~~((5))~~6. An order requiring discontinuance of the sale, distribution or giving away
 18 of alcoholic beverages in any or all parts of King County, and/or the closure of any and all
 19 bars, taverns, liquor stores, and other business establishments where alcoholic beverages
 20 are sold or otherwise dispensed; provided that with respect to those business
 21 establishments which are not primarily devoted to the sale of alcoholic beverages and in
 22 which such alcoholic beverages may be removed or made secure from possible seizure by
 23 the public, the portions thereof utilized for the sale of items other than alcoholic beverages
 24 may, in the discretion of the ~~((King County))~~ executive, be allowed to remain open;

25 ~~((6. An order requiring the discontinuance of the sale, distribution or giving~~
 26 ~~away of alcoholic beverages in any or all parts of King County;))~~

27 ~~((7. An order requiring the discontinuance of the sale, distribution or giving~~
 28 ~~away of firearms and/or ammunition for firearms in any or all parts of King County;))~~

1 ~~((8))~~ 7. An order requiring the discontinuance of the sale, distribution or giving
2 away of gasoline or other liquid flammable or combustible products in any container other
3 than a gasoline tank properly affixed to a motor vehicle;

4 ~~((9. An order requiring the closure of any or all business establishments where
5 firearms and/or ammunition for firearms are sold or otherwise dispensed; provided that
6 with respect to those business establishments which are not primarily devoted to the sale of
7 firearms and/or ammunition and in which such firearms and/or ammunition may be
8 removed or made secure from possible seizure by the public, the portions thereof utilized
9 for the sale of items other than firearms and ammunition may, in the discretion of the King
10 County executive, be allowed to remain open;))~~

11 ~~((10))~~ 8. An order closing to the public any or all public places including streets,
12 alleys, public ways, schools, parks, beaches, amusement areas and public buildings;

13 ~~((11))~~ 9. An order prohibiting the carrying or possession of firearms or any
14 instrument which is capable of producing bodily harm and which is carried or possessed
15 with intent to use the same to cause such harm; provided that any such order shall not
16 apply to peace officers or military personnel engaged in the performance of their official
17 duties;

18 ~~((12))~~ 10. An order granting emergency postponement of King County permit
19 procedures for public work projects, as defined by RCW 39.04.010, responding to
20 conditions of the emergency and/or for restoration of public facilities damaged as a result
21 of the emergency. Such postponements shall be temporary. All projects must comply with
22 all applicable code requirements. A permit and inspection must be obtained as soon as
23 possible after work has begun, but permit application shall be made no later than six
24 months after the date of the emergency proclamation.

25 11. Such other orders as are imminently necessary for the protection of life and
26 property~~((;)).~~ ~~((provided, however, that))~~

27 C. ~~((a))~~ Any ~~((such))~~ executive order ~~((s))~~ authorized by this section shall ~~((, at the~~
28 earliest practicable time, be presented to the King County council for ratification or
29 confirmation and if not so ratified and confirmed shall be void)) be filed with the clerk of
30 the council not later than 10:00 a.m. of the second business day after it is issued, except for

1 orders waiving the requirements of K.C.C. 4.04, 4.16, 4.18, 12.16 and 12.18. Executive
 2 orders issued under authority of this section shall continue in force and effect until
 3 terminated by order of the executive or action by the council by ordinance. Provided,
 4 however, that orders waiving the requirements of K.C.C. 4.04, 4.16, 4.18, 12.16 and 12.18
 5 shall terminate as provided for in K.C.C. 4.16.050.

6 D. ((C.)) ((The King County executive shall cause a)) Any proclamation issued by
 7 ((him)) the executive pursuant to the authority of this chapter ((to)) shall be delivered to all
 8 news media within King County and shall utilize such other available means((, including
 9 public address systems,)) as shall be necessary, in ((his)) the executive's judgment, to give
 10 notice of such proclamation to the public.

11 E((D))). It ((is unlawful)) shall be a misdemeanor for anyone to fail or refuse to
 12 obey any such order proclaimed by the ((King County)) executive. Anyone convicted of a
 13 violation of this section is punishable by a fine of not more than ((five hundred)) one
 14 thousand dollars or by imprisonment for not more than ((one hundred eighty)) ninety days,
 15 or both such fine and imprisonment.

16 ((E. This chapter is necessary for the immediate preservation of the public peace,
 17 health and safety, and the support and preservation of public agencies of King county, and
 18 shall take effect immediately.))

19 SECTION 6. Ordinance 7790, Section 2, as amended, and K.C.C. 2.56.010 are each
 20 hereby amended to read as follows:

21 Declaration of policy and purpose. Because of the existing and increasing possibility
 22 of emergencies which exceed local resources, in order to ensure that the preparations of King
 23 County are adequate to deal with such emergencies, to ensure adequate support for search
 24 and rescue operations, to manage recovery from such emergencies, to generally protect the
 25 public peace, health and safety, and to preserve the lives and property of the people of the
 26 county, it is hereby found and declared to be necessary:

27 A. To establish a county organization for emergency management ((within the office
 28 of the deputy)) by the county executive;

29 B. To confer upon the ((county)) executive the emergency powers necessary for
 30 carrying out emergency management functions;

1 C. To represent the emergency management functions of the county in all dealings
2 with public or private agencies pertaining to emergency services and disasters;

3 D. To provide for rendering of mutual aid among the political subdivisions of the state
4 within King County and to cooperate with ~~((the))~~ state governments with respect to carrying
5 out ~~((of))~~ emergency management functions;

6 E. To provide programs, with intergovernmental cooperation, to educate and train the
7 public to be prepared for emergencies;

8 F. To ensure that to the maximum extent possible all emergency management
9 operations of the county are coordinated with the comparable function of ~~((the))~~ state and
10 federal governments and with private agencies of every type to the end that the most effective
11 preparation and use may be made of the area's manpower, resources and facilities for dealing
12 with emergencies that may occur.

13 G. To ensure coordination and cooperation consistent with the provisions of RCW
14 38.52.070, as amended, between divisions, services, and staff of the emergency services
15 functional units of this county, and resolving questions of authority and responsibility that
16 may arise among them.

17 SECTION 7. Ordinance 7790, Section 3, as amended, and K.C.C. 2.56.020 are each
18 hereby amended to read as follows:

19 **Definitions.** Terms used herein shall be given their common and ordinary meaning
20 except where otherwise declared or clearly apparent from the context. Additionally, the
21 following definitions shall apply:

22 A. "Emergency management" means the preparation for and the carrying out of all
23 emergency functions to mitigate, prepare for, respond to and recover from emergencies and
24 disasters, and to aid victims suffering from injury or damage caused by all hazards,
25 whether natural or ~~((man))~~ human-made, and to provide support for search and rescue
26 operations for persons or property in distress pursuant to the provisions of chapter 38.52
27 RCW.

28 B. "Emergency" or "~~((D))~~ disaster" means an event or set of circumstances such as
29 fire, flood, explosion, storm, earthquake, epidemic, riot or insurrection, which demands the
30 immediate preservation of order or of public health or the restoration to a condition of

1 usefulness of any public property the usefulness of which has been destroyed, or where
 2 delay will result in financial loss to the county or for the relief of a stricken community
 3 overtaken by such occurrences or which reaches such a dimension or degree of
 4 destructiveness ~~((of catastrophic nature arising from any cause which reach such a~~
 5 ~~dimension as to demand immediate action to preserve public health, protect life, protect~~
 6 ~~public property, or to provide relief to any stricken community overtaken by such~~
 7 ~~occurrences,))~~ or warrants ~~((the declaration of))~~ the executive to proclaim a state of
 8 emergency pursuant to K.C.C. 12.52.030 and/or the execution of emergency management
 9 operations plans.

10 C. "Search and rescue" means the ~~((results))~~ acts of searching for, rescuing, or
 11 recovering by means of ground, marine or air activity, any person who becomes lost,
 12 injured or is killed while outdoors or as a result of a natural or human-made disaster,
 13 including instances involving searches for downed aircraft when ground personnel are
 14 used.

15 D. "Vacancy" means that the office of a county official is legally unoccupied due to
 16 the incumbent's death, resignation, ~~((recall))~~, incapacity, ~~((or))~~ declaration of incompetency
 17 by a court of competent jurisdiction, or other reason as provided for in Article 680 of the
 18 County Charter.

19 SECTION 8. Ordinance 7790, Section 5, as amended, and K.C.C. 2.56.040 are each
 20 hereby amended to read as follows:

21 **Powers and duties.** A. The ~~((county))~~ executive ~~((, through the deputy executive,))~~
 22 shall have general supervision and control of the emergency management organization and
 23 shall be responsible for implementing the provisions of K.C.C. 2.56 in the event of a
 24 disaster.

25 B. In performing ~~((his))~~ the executive's duties pursuant to this ordinance, and to
 26 effect its policy and purpose, the ~~((county))~~ executive is further authorized and empowered
 27 to:

28 1. Make, amend and rescind the necessary orders, rules, and regulations to
 29 implement the provisions of this chapter within the authority conferred upon him herein

1 and in ((Chapter 12.52 of the King County Code)) K.C.C. 12.52, consistent with the
2 provisions of state law and the plans of the state and federal government.

3 2. Cooperate with ((the)) state governments, federal government, local
4 governments and with other counties and with the provinces of the Dominion of Canada,
5 and with private agencies in all matters pertaining to the emergency management
6 operations of the county.

7 3. Prepare a comprehensive plan and program for the emergency management of
8 the county pursuant to state law, and to submit the plan and program including but not
9 limited to elements addressing mitigation activities, preparedness, responses to disasters
10 and emergencies, and recovery operations to the state director of emergency management
11 for ((his)) the director's recommendations thereto and certification for consistency with the
12 state comprehensive emergency management plan in order to ensure that local emergency
13 operations are coordinated with the state plan and program.

14 4. In accordance with such plan and program for county emergency
15 management, procure supplies and equipment, institute professional and public training
16 programs and public information and educational programs, manage and coordinate
17 disaster drills, and take all other preparatory steps including the full or partial mobilization
18 of the emergency management organization in advance of an actual disaster to ensure the
19 furnishing of emergency management personnel in time of need.

20 5. Act as the hazardous material incident coordinating agency for King County
21 as referenced in federal Title III, the Emergency Planning and Community Right-to-Know
22 Act of 1986, as amended.

23 6. Coordinate preparation of disaster ((~~declarations~~)) proclamations and the
24 appropriate documentation thereof for the purpose of obtaining state and federal relief and
25 assistance.

26 7. Following implementation of the 800 MHz regional emergency
27 communications system, manage and coordinate the county's internal interdepartmental
28 radio communications system and prioritize communications in emergencies which exceed
29 local resources;

1 8. Following implementation of the 800 MHz regional emergency
2 communications system, represent the county concerning the management of the county's
3 share of the system consistent with any interlocal agreements with other jurisdictions.

4 9. On behalf of the county, enter into mutual aid arrangements in collaboration
5 with other public and private agencies (~~((within the state))~~) for reciprocal emergency aid and
6 assistance in the event of a disaster too great to be (~~((dealt))~~) managed without (~~((unassisted))~~)
7 assistance.

8 10. Delegate any administrative authority vested in (~~((him))~~) the executive
9 pursuant to this chapter and provide for the subdelegation of any such authority.

10 SECTION 9. Ordinance 7790, Section 7, as amended, and K.C.C. 2.56.060 are each
11 hereby amended to read as follows:

12 **Continuity of government.** In the event of a disaster, it is essential to assure
13 continued operation of county government, to preserve and protect records essential to the
14 continued functioning of county government, and to provide for the appointment of
15 temporary interim successors to the elected and appointed offices of the county.

16 A. Office of the (~~((county))~~) executive. In the event that a vacancy exists or occurs in
17 the office of the (~~((county))~~) executive during or immediately following the occurrence of a
18 disaster requiring the execution of the county's emergency management operations plan,
19 the powers and duties of the office of the (~~((county))~~) executive, subject to the provisions of
20 the King County Charter, shall be exercised and discharged by a temporary interim
21 successor designated pursuant to executive order. (~~((on an interim temporary basis by the~~
22 ~~incumbents of the following offices:~~

- 23 1. ~~The director, department of public safety.~~
- 24 2. ~~In the event the director, department of public safety is unavailable, then the~~
25 ~~director of the department of public works.~~
- 26 3. ~~In the event that both the director, department of public safety and the director~~
27 ~~of the department of public works are unavailable, then the director of the department of~~
28 ~~public health.))~~

29 B. (~~((County council. In the event that a disaster reduces the number of~~
30 ~~councilmembers, then those councilmembers available for duty shall have full authority to~~

1 act in all matters as the county council. ~~Quorum requirements for the council shall be~~
 2 ~~suspended for the period of the emergency, and where the affirmative vote of a specified~~
 3 ~~proportion of the council is required for approval of an ordinance or other action, the same~~
 4 ~~proportion of those councilmembers available shall be sufficient. As soon as practicable~~
 5 ~~thereafter, the available councilmembers shall act in accordance with the charter and state~~
 6 ~~law to fill existing vacancies on the council.)) Council business during an emergency will~~
 7 be conducted pursuant to K.C.C. 1.28.

8 C. Other elected officials. Elected officers of the county, other than the ((~~county~~))
 9 executive and county councilmembers, are authorized and directed to designate temporary
 10 interim successors to the office of such officer in the event a vacancy occurs during an
 11 emergency caused by a disaster.

12 D. Appointed officers. The ((~~county~~)) executive shall, subject to rules and
 13 regulations that ((~~he~~)) the executive may adopt, permit such appointed officer of the county
 14 to designate temporary interim successors in the event a vacancy occurs during an
 15 emergency caused by a disaster.

16 E. Termination of succession. Any county officer succeeding to an office on a
 17 temporary interim basis pursuant to this chapter shall exercise and discharge the duties and
 18 powers of that office as prescribed by the Charter or by ordinance only until such time as a
 19 regularly appointed successor is designated by the customary means.

20 1. Successors to fill vacancies in elective offices shall be appointed by the
 21 council pursuant to Section 680 of the King County Charter and the state constitution until
 22 a permanent successor is duly elected and qualified.

23 2. Successors to fill vacancies in appointed offices shall be made by the
 24 ((~~county~~)) executive, or other authorized officer, subject to the confirmation process where
 25 applicable.

26 NEW SECTION. SECTION 10. There is added to K.C.C. 1.28 a new section to
 27 read as follows:

28 **Continuity of government.** In the event that a disaster as defined in K.C.C.
 29 12.52.010 reduces the number of councilmembers, then those councilmembers available
 30 and present for duty shall have full authority to act in all matters as the county council.

1 Quorum requirements for the council shall be suspended for the period of the emergency,
2 and where the affirmative vote of a specified proportion of the council is required for
3 approval of an ordinance or other action, the same proportion of those councilmembers
4 available shall be sufficient. As soon as practicable thereafter, the available
5 councilmembers shall act in accordance with the charter and state law to fill existing
6 vacancies on the council.

7 SECTION 11. Severability. The provisions of this ordinance are declared to be
8 separate and severable. The invalidity of any clause, sentence, paragraph, subdivision,
9 section or portion of this ordinance or the invalidity of the application thereof to any person
10 or circumstances shall not affect the validity of its application to other persons or
11 circumstances.

12 INTRODUCED AND READ for the first time this 24th day of
13 April, 1995.

14 PASSED by a vote of 12 to 0 this 4th day of March,
15 1996.

16 KING COUNTY COUNCIL
17 KING COUNTY, WASHINGTON

18 Louise Miller
19 VICE Chair

20 ATTEST:

21 Gerald A. Peterson
22 Clerk of the Council

23 APPROVED this 15th day of March, 1996

24 Greg Fisher
25 King County Executive

26 Attachments:

27 :