

May 9, 1995
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Introduced By: Brian Derdowski

Proposed No.: 95-299

ORDINANCE NO. **11788**

AN ORDINANCE relating to emergency purchases, amending Ordinance 3441, Section 5, as amended, and K.C.C. 4.16.050 and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings. The King County 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 \$50,000 or for which there is no existing appropriation.

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

Emergency purchases. In the event of an emergency when the public interest or property of the county would suffer

1 material injury or damage by delay, upon determining the
2 existence of such emergency and reciting the facts
3 constituting the same, (~~the director~~) the county executive
4 or (~~his~~) designee may waive the requirements of K.C.C.
5 4.16.010 with reference to any contract relating either to
6 the county's lease or purchase of tangible personal property
7 or services, contracts for public works as defined by RCW
8 39.04.010, or to the (~~requirements for the~~) selection and
9 award of professional and/or technical service consultant
10 contracts. (~~(7)~~) (~~provided, that such exemption shall only~~
11 ~~apply to these contracts having a value of less than fifty~~
12 ~~thousand dollars to the contractor or consultant.~~) Any
13 contract entered into under the authority of this ordinance
14 shall contain provisions allowing the county to terminate the
15 contract for convenience or as a result of the council not
16 ratifying the determination as provided in this ordinance.
17 Such termination provisions shall require the county only to
18 pay the contractor that portion of the contract price
19 corresponding to work completed prior to termination to the
20 county's satisfaction together with costs necessarily
21 incurred by contractor in terminating the remaining portion
22 of work, less any payments made before termination.

23 The county executive shall report, in detail, such
24 emergency expenditures to the county council within thirty
25 days of (~~declaring an~~) the emergency. (~~Should an~~
26 ~~emergency require the expenditure of funds in excess of fifty~~
27 ~~thousand dollars, any such additional expenditure shall be~~
28 ~~approved by motion of the council, accompanied, if necessary,~~
29 ~~by an appropriations ordinance, declaring an emergency,~~
30 ~~following the executive's recommendation. The executive's~~

1 ~~recommendation shall include such statements as are necessary~~
2 ~~to fully explain the emergency. Purchases/contracts~~
3 ~~involving an emergency circumstance shall be approved by the~~
4 ~~county executive or his designee when the cost exceeds~~
5 ~~twenty five thousand dollars; provided, that no contract or~~
6 ~~purchase shall be consummated to expend any money or incur~~
7 ~~any liability in excess of amounts appropriated by~~
8 ~~ordinance.))~~ If the expenditures were reasonably necessary to
9 respond to the emergency, and the scope of work or purchases
10 were directly associated and reasonably limited to
11 stabilizing or repairing the problem that resulted in the
12 emergency, the resulting contracts or purchases will not be
13 null and void, notwithstanding the lack of an appropriation.
14 If the responsible director determines that the expenditures
15 were made in excess of appropriation, the executive will
16 request an appropriation, specifying the source of funds.

17 The determination of emergency, accompanied by a
18 proposed motion ratifying the determination, shall be filed
19 with the clerk of the council not later than 10:00 a.m. the
20 second business day after it is issued. The determination of
21 emergency shall continue to have force and effect and allow
22 the further award of contracts or purchases only if it is
23 ratified by motion of the council at the next meeting of the
24 council subsequent to the date of the filing of the
25 determination. In the event the determination is not so
26 ratified, no further contracts or purchases may be made
27 without complying with the non-emergency contracting
28 provisions of K.C.C. chapters 4.16 and 4.18.

29 SECTION 3. For the reasons stated in section one of
30 this ordinance, the county council finds as a fact and

1 declares that an emergency exists and that this ordinance is
2 necessary for the immediate preservation of public peace,
3 health or safety or for the support of county government and
4 its existing public institutions.

5 SECTION 4. Effective Date. This ordinance shall become
6 effective immediately and shall remain in effect until July
7 31, 1995, at which time it shall lapse and have no further
8 force and effect, and the provisions of K.C.C. 4.16.050 which
9 are in effect at the date this ordinance is adopted shall
10 become effective.

11 INTRODUCED AND READ for the first time this 17th
12 day of April, 1995.

13 PASSED by a vote of 10 to 1 this 15th day of
14 May, 1995.

15 KING COUNTY COUNCIL
16 KING COUNTY, WASHINGTON

17 Kent Pullen
18 Chair

19 ATTEST:

20 Judit Masmo
21 Deputy Clerk of the Council

22 APPROVED this 25 day of May, 1995.

23 Ray Locke
24 King County Executive

25 Attachments: