



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19033

Proposed No. 2019-0443.2

Sponsors Lambert

1 AN ORDINANCE relating to clarifying and streamlining
2 county procedures in response to an emergency event; and
3 amending Ordinance 3441, Section 5, as amended, and
4 K.C.C. 2.93.080, Ordinance 9206, Section 7, as amended,
5 and K.C.C. 3.24.070, Ordinance 12077, Section 9, as
6 amended, and K.C.C. 3.24.080, Ordinance 12163, Section
7 3, and K.C.C. 12.52.010 and Ordinance 1058, Section 3, as
8 amended, and K.C.C. 12.52.030.

9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

10 SECTION 1. Findings: Based on past experience in using the emergency waiver
11 procedures in the King County Code to respond to various emergencies over the years,
12 the department of executive services, in consultation with the prosecuting attorney and
13 legal counsel for the council, has identified amendments to K.C.C. 2.93.080, K.C.C.
14 3.24.070, K.C.C. 3.24.080, K.C.C. 12.50.010 and K.C.C. 12.50.030 that will clarify and
15 streamline the county executive's ability to timely and fully respond to future emergency
16 events and ensure that the county council receives timely notice of emergent events and
17 the need to take appropriate legislative action as authorized by the King County Code.

18 SECTION 2. Ordinance 3441, Section 5, as amended, and K.C.C. 2.93.080 are
19 hereby amended to read as follows:

20 A. In the event of an emergency, as defined in RCW 39.04.280, now and as
21 hereinafter amended, the executive may issue a ~~((determination))~~ declaration of emergency.
22 In the event of an emergency, as defined in K.C.C. 12.52.010, the executive may proclaim
23 an emergency in accordance with K.C.C. ~~((chapter 12.52))~~ 12.52.030.B. In either the
24 declaration or the proclamation, the executive shall recite the facts constituting the
25 emergency. ~~((Upon issuance of such a determination))~~ As part of the declaration or
26 proclamation, or by separate order made in accordance with K.C.C. 12.52.030.C., the
27 executive may issue a waiver of the public advertising and competitive procurement
28 requirements of state law and this chapter, ((K.C.C. 4A.100.070)) and the requirements of
29 K.C.C. chapter((s)) ((12.16 and 12.18 with reference to any contract)) 12.19 relating to
30 ~~((the county's lease or purchase of))~~ county contracts for the following purchases or leases:

- 31 1. ~~((t))~~ Tangible personal property ((or services, contracts for));
- 32 2. ~~((p))~~ Public works as defined by RCW 39.04.010((, or to the selection and
33 award of either)); and
- 34 3. Services, including professional or technical services ~~((consultant contracts, or~~
35 ~~both. The waiver shall continue in force and effect until terminated by order of the~~
36 ~~executive or action by the council by ordinance. However, waivers for contracts entered~~
37 ~~into, that combined, encumber funds either in excess of two hundred fifty thousand~~
38 ~~dollars, or in excess of appropriation shall be subject to subsection B. of this section.~~

39 An emergency waiver of the requirements of K.C.C. chapter 12.16 and K.C.C.
40 12.18.095, under this section, shall not amend the annual utilization goals unless the
41 emergency makes it impossible to achieve the annual utilization goals. The executive
42 shall report, in detail, such emergency expenditures to the county council within forty-

43 ~~five days of determining an emergency).~~

44 B. A declaration, proclamation or order that includes a ((W))waiver((s for
45 contracts that, combined for each emergency, exceed two hundred fifty thousand dollars,
46 or are in excess of appropriation)) issued under this section shall be ((forwarded))
47 delivered to the clerk of the council no later than 10:00 a.m. the second business day after
48 it is issued. A contract may not be entered into by the county under this section until the
49 declaration, proclamation, or order including the waiver is delivered to the clerk of the
50 council or sent by email to the clerk of the council and each councilmember. ((Such a))
51 The waiver shall continue to have force and effect until it expires, which shall be twenty-
52 one calendar days after issuance, unless terminated sooner by order of the executive or
53 action of the council by ((ordinance, or until it expires, which shall be ten calendar days
54 after there have been contracts entered into, combined, encumber funds either in excess
55 of two hundred fifty thousand dollars or in excess of appropriation)) motion. The
56 council, by motion, may extend a waiver beyond the ((ten)) twenty-one day period.

57 C. ((In the event))If a waiver authorized under this section expires or is
58 terminated, no further contracts or purchases may be made without complying with the
59 nonemergency contracting provisions of state law, this chapter((;)) and K.C.C.
60 chapter((s)) ((2.93, 12.16 and 12.18)) 12.19. Expiration or termination of a waiver shall
61 not cancel any contract previously entered into under authority of the waiver, but ((A))any
62 contract entered into under the authority of this section shall contain provisions allowing
63 the county to terminate the contract for convenience ((or as a result of the expiration or
64 termination of an emergency waiver as provided in this section)). Such contract
65 termination provisions shall authorize the county to pay the contractor only that portion

66 of the contract price corresponding to work completed to the county's satisfaction before
67 termination, together with costs necessarily incurred by the contractor in terminating the
68 remaining portion of work, less any payments made before termination. ~~((Reasonably
69 necessary expenditures to respond to the emergency will not result in contracts or
70 purchases being null and void, notwithstanding the lack of an appropriation. If the
71 responsible director determines that the expenditures were made in excess of an
72 appropriation, the executive will request an appropriation, specifying the source of funds.))~~

73 D. ~~((Reasonably necessary expenditures to respond to the emergency will not
74 result in contracts or purchases being null and void, notwithstanding the lack of an
75 appropriation.))~~ The executive is authorized to expend or contract to expend money or
76 make purchases in excess of existing appropriations to respond to an emergency. If the
77 responsible department director determines that the expenditures were made in excess of an
78 appropriation, the executive ((will request an appropriation)) shall transmit a proposed
79 appropriation ordinance to the council, specifying the reason for the expenditure, the
80 appropriation amount and the source of funds.

81 E. The executive shall report, in detail, all expenditures to the county council made
82 under authority of the waiver within forty-five days of issuing the waiver.

83 SECTION 3. Ordinance 9206, Section 7, as amended, and K.C.C. 3.24.070 are
84 hereby amended to read as follows:

85 Lodging costs actually incurred are reimbursable only as follows:

86 A. Lodging costs will be reimbursed only if a person is in overnight travel status,
87 except as provided in subsection D. of this section. Government rates must always be
88 requested. Lodging receipts are required. Lodging costs in the host city may be claimed

89 from the night before the authorized event starts through the night before it ends, unless
90 reasonably priced and timely return transportation is not available, thereby necessitating
91 additional lodging costs.

92 B. The traveler shall be reimbursed for actual lodging costs incurred for single
93 occupancy, to a maximum of the federal lodging limit for the host city plus taxes. If the
94 lodging receipt indicates a charge for double occupancy and two persons are authorized to
95 travel on behalf of the county, each traveler shall be allowed one-half the double occupancy
96 charge. If one person is not authorized to travel on behalf of the county, the person
97 authorized to travel shall be reimbursed at the single occupancy rate to a maximum of the
98 federal lodging limit.

99 C. For seminars, conferences or conventions, costs for lodging at the event site
100 may be authorized in excess of the federal lodging limit for the host city under one or more
101 of the following conditions:

102 1. No alternate lodging is available within a reasonable distance of the event site
103 which is within the federal lodging limit for the host city. The traveler must provide a
104 signed statement of unavailability with the request for reimbursement;

105 2. The authorized means of transportation between the alternate lodging site and
106 the event site would exceed the savings in lodging costs; or

107 3. The presiding elected official or designee has authorized the excess expenditure
108 in writing and in advance for any exigent circumstances that might exist.

109 D. Employees who are not in overnight travel status may be provided either
110 lodging paid directly by the county or reimbursed by the county to the employ in the event
111 of an emergency proclaimed by the county executive, but only if:

112 1. The employee who is provided lodging must remain close to the worksite in
113 order to respond to the emergency;

114 2. The work being performed is critical or necessary to respond to the proclaimed
115 emergency; and

116 3. During the first twenty-four hours, the lodging is approved by the presiding
117 elected official or designee in writing; any extension beyond the first twenty-four hours
118 must be approved in advance and by the presiding elected official or designee in writing.

119 E. First responders and essential employees, who are not in overnight travel status
120 who must work extended hours during certain unanticipated events which is critical to or in
121 response to a regulatory requirement may be provided either lodging paid by the county or
122 reimbursed by the county to the employee, but only if:

123 1. The employee who is provided lodging must remain close to the worksite in
124 order to respond to the event;

125 2. The event requires that the work being performed is critical or necessary to
126 meet a regulatory requirement or to respond to a public health and safety situation not
127 rising to the level of a proclaimed emergency; and

128 3. During the first twenty-four hours, the lodging is approved by the presiding
129 elected official or designee in writing with a brief description of the event; any extension
130 beyond the first twenty-four hours is approved in advance and by the presiding elected
131 official or designee in writing with a brief description of the event.

132 ~~((E.))~~ F. The department of finance shall distribute federal lodging limits, as
133 published in the Code of Federal Regulations, 41 CFR Sec. 301, App. A, as rate changes
134 occur.

135 SECTION 4. Ordinance 12077, Section 9, as amended, and K.C.C. 3.24.080 are
136 hereby amended to read as follows:

137 A. For persons traveling on official county business, meal and incidental expenses
138 are reimbursable at the per diem rates established by the federal travel regulations for the
139 host city, published annually in the Code of Federal Regulations, 41 CFR Sec. 301, App. A.
140 The per diem rates include fixed allowances for breakfast, lunch, dinner and incidental
141 expenses, by city. The meal allowances include tips and gratuities. The incidental rates are
142 calculated to allow for expenses such as fees and tips to baggage carriers, concierges, hotel
143 staff and laundry. Reimbursement for incidentals is authorized only for overnight travel.

144 Receipts are not required:

145 1. For day travel, the fixed allowance per meal, as established by the federal per
146 diem rate, may be claimed if in travel status at the following times: 7:00 a.m. - breakfast,
147 12 noon - lunch, and 6:00 p.m. - dinner;

148 2. For overnight travel, the per diem meal and incidental rate may be claimed. On
149 the first and last days of travel, meals shall be reimbursed at the rates established for day
150 travel, plus incidentals; or

151 3. When the expense of a meal is included in a registration fee, air fare or other
152 county expense, the per diem meal and incidental rate will be reduced by the fixed
153 allowance for the respective meal.

154 B.1. Meal expenses incurred while a person is not in travel status are not normally
155 reimbursable, except that meals may be reimbursed or paid directly by the county for
156 official county business purposes as follows:

157 a. for staff retreats lasting more than four hours in a single day, for either single

158 or multiple days, not to exceed one retreat per quarter per county division or key
159 subordinate unit as defined by K.C.C. 2.16.100;

160 b. when an integral part of a job-related seminar, conference, convention or
161 training occurs during the meal, but only if the meals are approved in advance, in writing,
162 by the presiding elected official or designee;

163 c. when a meeting subject to the Open Public Meetings Act, chapter 42.30
164 RCW, continues through the times listed in K.C.C. 3.24.080.A.1;

165 d. for events authorized in advance and in writing by a presiding elected official
166 or designee, but this authorization shall not be provided in circumstances that violate
167 Article VIII, Section 7 of the state Constitution, which prohibits gifts of public funds;((øø))

168 e. for events that rise to the level of an emergency declared or proclaimed by the
169 executive, but only if:

170 (1) the work being performed by the employee is critical or necessary to
171 respond to the emergency; and

172 (2) during the first twenty-four hours, the meals are approved by the presiding
173 elected official or designee in writing; and an extension beyond the first twenty-four hours
174 must be approved in advance by the presiding elected official or designee; or

175 f. for unanticipated events that do not rise to the level of an emergency
176 proclaimed by the executive, but only if:

177 (1) the employee who is provided meals is a designated first responder or an
178 essential employee;

179 (2) the event requires that the work being performed is critical or necessary to
180 meet a regulatory requirement or to respond to a public safety and health situation not

181 rising to a proclaimed emergency; and

182 (3) during the first twenty-four hours, the meals are approved by the presiding
183 elected official or designee in writing with a brief description of the event; and an extension
184 beyond the first twenty-four hours is approved in advance by the presiding elected official
185 or designee in writing with a brief description of the event.

186 2. Reimbursable meals incurred while in nontravel status are limited to the fixed
187 meal allowance established by the federal travel regulations for each participant.

188 C. Expenses for refreshments are not normally reimbursable, except that
189 refreshment expenses may be reimbursed when an employee is not in travel status, under
190 the conditions provided for in K.C.C. 3.24.080.B. Additionally, refreshments may be
191 provided to employees by the county, at its option. Refreshment expenses, however, are
192 limited to fifty percent of the fixed lunch meal allowance established by the federal travel
193 regulations for each participant. Any purchase of refreshments that will cost more than
194 fifty dollars in total per function must be approved in advance and in writing by the
195 presiding elected official or designee.

196 D. Meal and refreshment costs are neither reimbursable nor may they be paid by
197 the county as a direct expenditure when:

198 1. They are included in another county expense, regardless of whether the person
199 partakes in the meal or refreshment;

200 2. They are incurred for recreational or social events such as office parties, going
201 away parties, retirement parties, or other personalized social events; or

202 3. It would violate the provisions of Article VIII, Section 7 of the state
203 Constitution, which prohibits a gift of public funds.

204 E. Meal expenses may be incurred at a rate higher than that established by federal
205 regulations when one or more of the following conditions apply:

206 1. The presiding elected official or designee approves the cost of the meal because
207 a circumstance related to a particular meal results in exceeding the authorized meal rate. A
208 receipt detailing the expense, accompanied by written justification, shall be submitted with
209 the request to exceed the fixed meal allowance;

210 2. The meal expense is incurred on behalf of another agency that reimburses the
211 county for the expense, in which case the expense shall be reimbursed according to the
212 rules specified by the funding agency; or

213 3. When necessitated by special dietary needs.

214 F. The finance and business operations division shall distribute federal meal and
215 incidental rates, as published in the Code of Federal Regulations, 41 CFR Sec. 301, App.
216 A, as rate changes occur.

217 SECTION 5. Ordinance 12163, Section 3, as amended, and K.C.C. 12.52.010 are
218 hereby amended to read as follows:

219 The following definitions shall apply in the interpretation and implementation of
220 this chapter:

221 A. "Emergency" or "disaster" means an event or set of circumstances such as fire,
222 flood, explosion, storm, earthquake, epidemic, riot or insurrection, that demands the
223 immediate preservation of order or of public health or the restoration to a condition of
224 usefulness of any public property, the usefulness of which has been destroyed or where
225 delay will result in financial loss to the county or for the relief of a stricken community
226 overtaken by such occurrences or which reaches such a dimension or degree of

227 destructiveness as to warrant the executive proclaiming a state of emergency pursuant to
228 K.C.C. 12.52.030. (~~"Emergency" or "disaster" also includes the potential for flooding~~
229 ~~arising out of the diminished capacity of the Howard Hanson dam.))~~

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

237 C. "Emergency worker" means any person, including but not limited to an
238 architect registered under chapter 18.08 RCW or a professional engineer registered under
239 chapter 18.43 RCW, who is registered with the county or state of Washington and/or
240 holds an identification card issued by the county or the state of Washington for the
241 purpose of engaging in authorized emergency management activities or is an employee of
242 the state of Washington or any political subdivision thereof who is called upon to perform
243 emergency management activities.

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

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

250 SECTION 6. Ordinance 1058, Section 3, as amended, and K.C.C. 12.52.030 are
251 hereby amended to read as follows:

252 A. The executive shall see that ~~((the))~~ Washington state ~~((laws and ordinances~~
253 ~~of))~~ and King County laws, ordinances, rules and regulations are enforced, shall direct
254 and control all subordinate officers of the county, unless the enforcement, direction and
255 control rests in some other officer or board by the King County Charter, and shall
256 maintain the peace and order in King County.

257 ~~((A.))~~ B. Whenever an emergency or disaster occurs or is at imminent risk of
258 occurring in King County and ~~((results in the death or injury of persons or the~~
259 ~~destruction of property or involves the potential for flooding arising out of the diminished~~
260 ~~capacity of the Howard Hanson dam, to such an extent as to require))~~, in the judgment of
261 the executive, extraordinary measures are necessary to protect the public peace, safety
262 and welfare, the executive may proclaim in writing the existence of such an emergency.

263 ~~((B.))~~ C. Upon the proclamation of an emergency by the executive, and during
264 the existence of such emergency, the executive may make and proclaim any or all of the
265 following orders:

266 1. An order recalling King County employees from vacation, canceling days off,
267 authorizing overtime or recalling selected retired employees;

268 2. An order waiving ~~((K.C.C. 4A.100.070, K.C.C. chapters 2.93 and 12.16 and~~
269 ~~K.C.C. 12.18.095 with reference to any contract relating to the county's lease or purchase~~
270 ~~of supplies, equipment, personal services or public works as defined by RCW 39.04.010,~~
271 ~~or to any contract for the selection and award of professional and/or technical consultant~~
272 ~~contracts. However, an emergency waiver under K.C.C. chapters 12.16 and 12.18 shall~~

273 ~~not amend the annual utilization goals, unless the emergency makes it impossible to~~
274 ~~achieve the annual utilization goals))~~ the public advertising and competitive procurement
275 requirements of state law and K.C.C. chapter 2.93 and the requirements of K.C.C. chapter
276 2.93 relating to county contracts for the following purchases or leases:

- 277 a. tangible personal property;
- 278 b. public works as defined by RCW 39.04.010; and
- 279 c. services, including professional or technical services.

280 3. An order directing evacuation or clearing of debris and wreckage caused by
281 an emergency or disaster from publicly and privately owned lands and waters;

282 4. An order imposing a general curfew applicable to King County as a whole, or
283 to any geographical area or areas of King County and during any hours, as the executive
284 deems necessary. The executive may modify the hours curfew will be in effect and the
285 area or areas to which it will apply at any time;

286 5. An order requiring any or all business establishments to close and remain
287 closed until a further order;

288 6. An order requiring discontinuance of the sale, distribution or giving away of
289 alcoholic beverages in any or all parts of King County, or the closure of any and all bars,
290 taverns, liquor stores and other business establishments where alcoholic beverages are
291 sold or otherwise dispensed. However, with respect to those business establishments that
292 are not primarily devoted to the sale of alcoholic beverages and in which alcoholic
293 beverages may be removed or made secure from possible seizure by the public, the
294 portions of the business establishment utilized for the sale of items other than alcoholic
295 beverages may, in the discretion of the executive, be allowed to remain open;

296 7. An order requiring the discontinuance of the sale, distribution or giving away
297 of gasoline or other liquid flammable or combustible products in any container other than
298 a gasoline tank properly affixed to a motor vehicle;

299 8. An order closing to the public any or all public places including streets,
300 alleys, public ways, schools, parks, beaches, amusement areas and public buildings;

301 9. An order granting emergency postponement of King County permit
302 procedures for public work projects, as defined by RCW 39.04.010, responding to
303 conditions of the emergency or for restoration of public facilities damaged as a result of
304 the emergency. Any postponement under this subsection shall be temporary. All projects
305 must comply with all applicable code requirements. A permit and inspection must be
306 obtained as soon as possible after work has begun, but permit application shall be made
307 no later than six months after the date of the emergency proclamation; and

308 10. Any other orders as are imminently necessary for the protection of life and
309 property.

310 ~~((C.))~~ D. Any executive order authorized by this section shall be ~~((filed with))~~
311 forwarded to the clerk of the council not later than 10:00 a.m. of the second business day
312 after it is issued ~~((, except for orders waiving K.C.C. 4A.100.070 K.C.C. chapters 12.16~~
313 ~~and 12.18))~~. A contract may not be entered into by the county under subsection C.2. of
314 this section until the declaration, proclamation or order including the waiver is delivered
315 to the clerk of the council or sent to the clerk of the council and each councilmember by
316 email. Executive orders issued under authority of this section shall continue in force and
317 effect until terminated by order of the executive or action by the council by motion.
318 However, orders ~~((waiving K.C.C. 4A.100.070 and K.C.C. chapters 12.16 and 12.18))~~

319 authorized under subsection C.2. of this section shall expire or terminate as provided for
320 in K.C.C. 2.93.080, unless extended.

321 ~~((D.))~~ E. Any proclamation issued by the executive pursuant to the authority of
322 this chapter shall be delivered to all news media within King County and shall utilize
323 such other available means as are necessary, in the executive's judgment, to give notice of
324 such proclamation to the public.

325 ~~((E.))~~ F. It shall be a misdemeanor for anyone to fail or refuse to obey any order
326 proclaimed by the executive under this section. Anyone convicted of a violation of this

327 section is punishable by a fine of not more than one thousand dollars or by imprisonment
328 for not more than ninety days, or both fine and imprisonment.
329

Ordinance 19033 was introduced on 10/23/2019 and hearing held/closed and passed by the Metropolitan King County Council on 12/4/2019, by the following vote:

Yes: 8 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn, Mr. McDermott, Mr. Dembowski, Mr. Upthegrove and Ms. Kohl-Welles
Excused: 1 - Ms. Balducci



KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

A blue ink signature of Rod Dembowski.

Rod Dembowski, Chair

ATTEST:

A blue ink signature of Melani Pedroza.

Melani Pedroza, Clerk of the Council

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2019 DEC 17 AM 9:41
CLERK
KING COUNTY COUNCIL

APPROVED this 16 day of DECEMBER 2019.

A black ink signature of Dow Constantine.

Dow Constantine, County Executive

Attachments: None