

16680

S1

October 19, 2009 Council Mtg

Sponsor:

Larry Gossett
Jane Hague
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RC

Proposed No.: 2009-0559

*Lg. moved with technical
Amendment to language*

*PASSED
9-0*

1 STRIKING AMENDMENT TO PROPOSED ORDINANCE 2009-0559, VERSION

2 1

3 On page 1, beginning on line 11, strike everything through page 3, line 35, and insert:

4 "BE IT ORDAINED BY THE KING COUNTY COUNCIL:

5 SECTION 1. Findings:

6 A. The United States Army Corps of Engineers ("USACE") discovered damage
7 on the right abutment at the federally-owned and operated Howard Hanson dam has
8 dramatically increased the risk of significant flooding in King County's Green River
9 valley for years to come.

10 B. The federal government has the sole responsibility from Congress for ensuring
11 operation of the Howard Hanson dam for the purposes of protecting the residents and
12 businesses in the Green River valley from the ravages of flooding.

13 C. The Howard Hanson dam is the primary flood protection facility for the entire
14 Green River valley stretching from unincorporated areas of King County nearest the dam,
15 through the cities of Auburn, Kent, Renton and Tukwila, and to the Duwamish river in
16 south Seattle.

17 D. The Green river watershed encompasses an area of approximately four
18 hundred ninety-two square miles.

19 E. The Howard Hanson dam was designed to hold back up to one hundred six
20 thousand acre-feet of water, which is 34,540,206,000 gallons, to protect the Green River
21 valley from flooding, and as a result of the damage to the abutment of the Howard
22 Hanson dam, the USACE has determined that it might have to operate the dam at only
23 approximately one-third of its normal capacity to prevent a breach of the entire dam.

24 F. To maintain the capacity restrictions that protect the dam during major rain
25 storms, the USACE might have to release up to seventy thousand acre-feet of water,
26 which is 22,809,570,000 gallons, into the Green River valley that could normally be
27 retained behind the dam, and such releases will result in significant and potentially
28 devastating flooding of the Green River valley.

29 G. Annually in the Pacific Northwest, rains and rain storms of significant size
30 and duration typically occur during the months of October through March, and a
31 significant release of water from the Howard Hanson dam into the Green River valley is
32 most likely to occur when soils are already saturated and tributaries throughout the valley
33 are already pouring substantial quantities of water into the Green river.

34 H. The levees and similar facilities along the Green river were never designed to
35 replace the protection that the Howard Hanson dam was designed to provide.

36 I. Approximately thirty-five thousand people live in the Green River valley, and
37 flooding from the Howard Hanson Dam this fall could displace as many as twenty-two
38 thousand residents from their homes, according to a Federal Emergency Management
39 Agency ("FEMA") report.

40 J. FEMA also determined that flooding in the Green River valley this fall could
41 result in almost four billion dollars in property damage, including substantial damage to
42 hundreds of buildings. This includes destruction of homes, places of worship, shops,
43 manufacturing facilities and other businesses, warehousing and distribution operation,
44 transportation and communication infrastructure, medical facilities and critical public
45 facilities including such county properties as the Norm Maleng Regional Justice Center,
46 Rádio Shop and King County Animal Shelter.

47 K. Due to the damage to the abutment at the Howard Hanson dam and the
48 concern that permanent repairs may not be completed for a period of three to five years,
49 the King County council adopted Ordinance 16639 on August 29, 2009. The ordinance
50 authorized the executive to declare a state of emergency on September 10, 2009, and
51 waived procurement procedures. The King County council passed Motion 13085 and
52 extended to March 31, 2010, the waiver for competitive bidding and solicitation
53 requirements in order to ensure assure timely availability and acquisition of emergency
54 design, construction and other required services, materials and equipment necessary to
55 protect King County citizens, facilities, roads and other assets from the threat of flooding
56 in the Green River valley.

57 L. The sheer magnitude of the ongoing threat of additional billions of gallons of
58 water pouring into the Green River valley requires immediate emergency response
59 preparations. King County is expending significant financial resources to respond to the
60 diminished capacity of the Howard Hanson dam, and should not have to bear the cost
61 burden of emergency response operations, planning and recovery as a result of the
62 diminished capacity of the federally-owned and operated Howard Hanson dam.

63 M. On September 17, 2009, the executive transmitted a proposal for 2009
64 emergency preparedness, requesting funding for planning and mitigation efforts in
65 advance of a potential flood of the Green River valley, and included a financing strategy
66 that requires the issuance of a bond anticipation note in order to meet these exigent needs.
67 It is the intent of the council that these expenditures are to be reimbursed by the federal
68 government.

69 N. The council recognizes the challenges to its law and justice initiatives is a
70 result of this unprecedented emergency, and will defer for a short time the ongoing
71 regional jail expansion planning. By January 11, 2010, unless the region is facing
72 imminent flooding, it is the council's intent that those planning efforts be resumed.

73 O. While the funding for this emergency is budgeted in the wastewater treatment
74 construction fund and the building repair and replacement subfund, it is the council's
75 intent that on June 1, 2010, any funds remaining from this appropriation shall be
76 disappropriated and reappropriated to a flood prevention reserve fund within the
77 wastewater treatment and general fund financial plans.

78 P. In the executive's September 17, 2009, transmittal, the executive requested
79 funding for a consultant to update the office of resource information management
80 emergency management response plan. The office of resource information management
81 concurs that the original appropriation amount can be reduced if the emergency planning
82 efforts are focused on planning and mitigation matters surround the potential Green River
83 flood.

84 Q. Over twenty million dollars of this supplemental appropriation request is
85 driven by the need to relocate law, safety and justice agencies from the Norm Maleng

86 Regional Justice Center. In order to continue to provide convenient access to law, safety
87 and justice services for the citizens of south King county it is the policy of the county that
88 agencies should move when expert prediction of imminent weather and dam releases
89 predicts a heightened risk of flooding. The agencies shall provide appropriate notice to
90 the public regarding such moves and access to the law, safety and justice agencies before
91 and after a move. It is the intent of the council that a variety of methodologies will be
92 employed to notify the public of agency relocations, including the funding in this
93 appropriation of efforts for a communications strategy. Initial information dissemination
94 will surround relocation efforts from the Norm Maleng Regional Justice Center.

95 R. King County's flood mitigation strategy funded by this ordinance includes
96 funding for leases as necessary to accommodate essential county services that may be
97 temporarily displaced by threatened or actual flooding. It is the policy of King County
98 that purchase of real property is not necessary or appropriate for this temporary relocation
99 of county services.

100 SECTION 2: Ordinance 16312, Section 27, as amended, is hereby amended by
101 adding thereto and inserting therein the following:

102 RECORDS AND LICENSING SERVICES – from the general fund there is
103 hereby appropriated to:

104 Records and licensing services: \$0

105 ER1 EXPENDITURE RESTRICTION:

106 Of this appropriation, funds may be expended to lease an animal services facility
107 for a term not to exceed 8 months, but no funds may be expended to purchase an animal
108 services facility.

109 P1 PROVIDED THAT:

110 Of this appropriation, \$100,000 shall not be expended or encumbered until the
111 executive takes the necessary steps to bargain with labor concerning assignment of all
112 animal cruelty investigation work to the sheriff's office and an outcome of the bargaining
113 is reached. It is the desire of the council that animal cruelty investigation work be
114 performed by law enforcement personnel. The executive shall undertake to begin these
115 negotiations no later than March 31, 2009. The executive shall report to the council on
116 the status and outcome of these negotiations and provide the necessary legislation, if any,
117 to implement the outcome. The executive shall provide a monthly report to the council
118 on the status of the negotiations.

119 Twelve copies of the report must be filed with the clerk of the council, who shall
120 retain the original and will forward copies to each councilmember and to the lead staff of
121 the committee of the whole and the general government and labor relations committee, or
122 their successors.

123 P2 PROVIDED FURTHER THAT:

124 Of this appropriation, \$50,000 shall not be expended or encumbered until the
125 records and licensing services division, working in conjunction with the facilities
126 management division, submits to the council monthly status reports on all CIP Projects at
127 the Animal Control Shelters at Kent and Crossroads. This restriction shall be reduced in
128 four equal quarterly increments of \$12,500 upon receipt of the monthly reports for each
129 quarter. The monthly reports shall include a summary and current status of the scope,
130 schedule and budget for each CIP project. Status reports shall identify any significant

131 deviations from planned project implementation and highlight any anticipated problems
132 that might significantly impact project progress.

133 The monthly CIP status reports must be filed in the form of 11 copies with the
134 clerk of the council, who shall retain the original and will forward copies to each
135 councilmember and to the lead staff of the budget and fiscal management committee, or
136 its successor.

137 P4 PROVIDED FURTHER THAT:

138 Of this appropriation, \$50,000 shall not be expended or encumbered until the
139 executive develops and the council approves by motion, a plan to implement best
140 standards and practices for the handling, dispensing, security and record keeping of
141 controlled substances at King County's animal care and control shelters.

142 The plan and proposed motion must be transmitted by April 1, 2009, in the form
143 of 11 copies to the clerk of the council, who shall retain the original and will forward
144 copies to each councilmember and to the lead staff of the committee of the whole, or its
145 successor.

146 P5 PROVIDED FURTHER THAT:

147 Of this appropriation, 150,000 shall not be expended or encumbered until both of
148 the following are completed:

149 A. The King County auditor's office completes the first two mandated
150 components of its performance audit of King County animal care and control regarding
151 these components, specifically:

152 1. Review animal care and control's approaches to monitoring the shelter
153 population including the various stages and status of animals in the shelter system; and

154 2. Determine the reliability of animal care and control shelter population
155 statistics and performance indicators; and

156 B. The executive bargaining representative meets with affected labor
157 organizations to explore options to implement a community-based services model as
158 defined by the King County Animal Services Operational Master Plan 2009-2011, dated
159 October 6, 2008. The executive shall report to the council on the status of and outcome
160 of these negotiations and provide the necessary legislation, if any, to implement the
161 outcome. The executive shall provide a monthly report to the council on the status of
162 negotiations.

163 "" SECTION 3. Ordinance 16312, Section 107, as amended, is hereby amended by
164 adding thereto and inserting therein the following:

165 SAFETY AND CLAIMS MANAGEMENT – from the safety and workers
166 compensation fund there is hereby appropriated to:

167 Safety and claims management \$0

168 ER1 EXPENDITURE RESTRICTION:

169 Of this appropriation, funds may be expended to lease an animal services facility
170 for a term not to exceed 8 months, but no funds may be expended to purchase an animal
171 services facility.

172 SECTION 4. Ordinance 16312, Section 114, as amended, is hereby amended by
173 adding thereto and inserting the following:

174 FACILITIES MANAGEMENT INTERNAL SERVICE – From the facilities
175 management – internal service fund there is hereby appropriated to:

176 Facilities management internal service \$0

177 ER1 EXPENDITURE RESTRICTION:

178 Of this appropriation, funds may be expended to lease an animal services facility
179 for a term not to exceed 8 months, but no funds may be expended to purchase an animal
180 services facility.

181 P1 PROVIDED THAT:

182 Of this appropriation, \$750,000 shall not be expended or encumbered until the
183 council has approved by ordinance the proposed Interlocal agreement between the state
184 of Washington state Department of Printing and King County, relating to the provision of
185 printing goods and services, transmitted to the council on October 7, 2008, or until the
186 council has adopted other legislation setting forth an alternate business plan for the copy
187 centers.

188 P2 PROVIDED FURTHER THAT:

189 Of this appropriation, \$500,000 shall not be expended or encumbered until the
190 executive transmits a report detailing how the facilities management division plans to
191 implement its plan to eliminate the supported crew as part of the six-month funding
192 strategy, while complying with the terms of the Service Employees International Union
193 Local 925 labor agreement or federal requirements, including the Americans with
194 Disabilities Act. This report shall be transmitted by March 1, 2009.

195 The report must be filed in the form of 11 copies with the clerk of the council,
196 who shall retain the original and will forward copies to each councilmember and to the
197 lead staff for the general government and labor relations committee, or its successor.

198 P3 PROVIDED FURTHER THAT:

199 Of this appropriation, \$100,000 shall not be expended or encumbered unless by
200 July 15, 2009, the office of management and budget, in conjunction with the facilities
201 management division and the department of development and environmental services,
202 transmits and the council accepts by motion, a report on the energy impact of removing
203 the aluminum panels from the windows of the King County Courthouse. The report shall
204 include a quantifiable estimate of the energy impact of removing the aluminum panels, a
205 detailed description of the methodology used to arrive at the estimates, and the estimated
206 fiscal impact of the removal and resulting energy impacts.

207 The report must be filed in the form of 11 copies with the clerk of the council,
208 who shall retain the original and will forward copies to each councilmember and to the
209 lead staff for the capital budget committee, or its successor.

210 SECTION 5. Ordinance 16312, Section 115, as amended, is hereby amended by
211 adding thereto and inserting therein the following:

212 RISK MANAGEMENT – From the insurance fund there is hereby appropriated
213 to:

214 Risk management \$0

215 ER1 EXPENDITURE RESTRICTION:

216 Of this appropriation, funds may be expended to lease an animal services facility
217 for a term not to exceed 8 months, but no funds may be expended to purchase an animal
218 services facility.

219 SECTION 6. Ordinance 16312, Section 125, as amended, is hereby amended by
220 adding thereto and inserting therein the following:

221 From several capital improvement project funds there is hereby appropriated and
222 authorized to be disbursed the following amounts for the specific projects identified in
223 Attachment A to this ordinance.

224	Fund	Fund Name	Amount
225	3951	Building Repair and Replacement Subfund	\$27,225,374

226 ER1 Expenditure Restriction:

227 Of this appropriation for the Envision Public Portal (CIP Project number 377226),
228 \$20,000 shall be expended solely for the inclusion of septic and plumbing permits into
229 the scope of this project.

230 ER2 Expenditure Restriction:

231 Of the appropriation for CIP Project number 395914, KC Animal Shelter Interim
232 Repairs, \$160,000 shall be expended solely for immediate HVAC repairs within the Kent
233 shelter building, including installation of a dryer vent, cat isolation ductwork, and air
234 conditioning for two cat isolation rooms, the design, purchase and installation of an
235 overhead hose rack and replacement of finishes.

236 ER3 Expenditure Restriction:

237 Of the appropriation for CIP Project number 358101, \$25,000 shall be expended
238 for an appraisal of the Elks Run golf course for the purpose of converting lands for
239 ballfields, unless the council has approved a purchase and sale agreement for county
240 owned property commonly known as Summit Pit and \$50,000 shall be used for the
241 development of a paragliding recreational site at the McDonald Mountain recreational
242 area.

243 ER4 EXPENDITURE RESTRICTION:

244 Of this appropriation, no more \$80,000 may be expended or encumbered for the
245 costs of a consultant to update the Office of Information Resource Management
246 Emergency Management Response Plan.

247 ER5 EXPENDITURE RESTRICTION:

248 No funds from this appropriation may be expended or encumbered after June 30,
249 2010. Any funds remaining from this appropriation on July 1, 2010, shall be
250 disappropriated and reappropriated to a flood prevention reserve fund within the general
251 fund financial plan to provide for on-going Green River valley flood mitigation purposes.

252 ER6 EXPENDITURE RESTRICTION:

253 Of this appropriation, funds may be expended to lease an animal services facility
254 for a term not to exceed 8 months, but no funds may be expended to purchase an animal
255 services facility.

256 ER7 EXPENDITURE RESTRICTION:

257 Of this appropriation, \$500,000 from the amount within this appropriation for the
258 office of information resource management shall be expended or encumbered only for
259 telephone service, network communications, special purpose computer systems, such as
260 the FTR Gold Court Reporting System, and any other information technology necessary
261 to enable law and justice agencies to operate effectively in facilities to which they may be
262 relocated as a result of potential Green River flooding.

263 P1 PROVIDED THAT:

264 None of the funds appropriated for Renton Maintenance Fund Capital
265 Improvement Projects South Regional Maintenance Facility (CIP Project number
266 300808) or Property Sale Transaction Costs (CIP Project number 700209) may be

267 expended or encumbered until the council has approved a purchase and sale agreement of
268 the county-owned property known as the Summit Pit regional roads maintenance facility.

269 P2 PROVIDED FURTHER THAT:

270 Of this appropriation, \$25,000 shall not be expended until two reports on the
271 status of the emergency radio replacement project (CIP Project number 347301) have
272 been transmitted to council. It is the intent of the council that progress reports for
273 emergency radio replacement project shall be transmitted to the council twice annually.
274 The progress reports shall describe all of the project activities undertaken during the
275 reporting period. The first progress report shall be due April 1, 2009, and also shall
276 include an inventory of county owned hand held radios, a report on the number of new
277 radios needed to serve the new sound transit service contracts and a report on how the
278 radios needed to serve the new sound transit contract will be funded.

279 The progress reports shall be transmitted in the form of 11 copies with the clerk of
280 the council, who shall retain the original and will forward copies to each councilmember
281 and to the lead staff for the general government and labor relations committee, or its
282 successor.

283 P3 PROVIDED FURTHER THAT:

284 Of this appropriation, \$200,000 shall not be expended until the council approves
285 by motion a business case for the expenditure of the remaining funds in the law, safety,
286 and justice integration program (CIP Project number 377108).

287 The executive shall file the business case and proposed motion by May 1, 2009,
288 the business case and a proposed motion in the form of 12 copies with the clerk of the
289 council, who shall retain the original and will forward copies to each councilmember and

290 to the lead staff for the general government and labor relations committee and the law,
291 justice and human services committee, or their successors.

292 P4 PROVIDED FURTHER THAT:

293 Of this appropriation, no amount may be encumbered nor expended toward the
294 interim loan program, described in the executive's 2009 proposed budget under CIP
295 Project number 322801, until the council approves by motion a report that specifies the
296 components, requirements, processes, oversight and reporting of an interim loan program
297 that would be administered by King County. The executive, in collaboration with the
298 mental illness and drug dependency oversight committee, with assistance from council
299 staff and the office of the prosecuting attorney, shall develop this report.

300 This report is due to the council on April 1, 2009. Eleven copies of the report
301 must be filed with the clerk of the council, who shall retain the original and will forward
302 copies to each councilmember and to the lead operating budget, fiscal management and
303 select issues committee, or its successor.

304 P5 PROVIDED FURTHER THAT:

305 Of this appropriation, no more than \$814,187 shall be expended for the voicemail
306 replacement project (CIP Project number 378201). The executive shall transmit to the
307 council by February 1, 2009, a proposed ordinance to reallocate \$1,046,822 to each
308 appropriation unit that contributed to the project fund.

309 The proposed ordinance must be filed in the form of 11 copies with the clerk of
310 the council, who shall retain the original and will forward copies to each councilmember
311 and to the lead staff for the operating budget, fiscal management and select issues
312 committee, or its successor.

313 P6 PROVIDED FURTHER THAT:

314 Of this appropriation for CIP Project number 369002, \$100,000 shall be not be
315 expended or encumbered until the transfer of development rights executive board has
316 evaluated the potential purchase of the Mountains to Sound Greenway acquisition
317 proposal for Raging River forest, Cougar Mountain precipice and wildlife corridors
318 within the Snoqualmie forest, Mount Si and Rattlesnake mountain.

319 The executive shall submit a report on the evaluation of this acquisition proposal
320 in the form of 11 copies with the clerk of the council, who shall retain the original and
321 will forward copies to each councilmember and to the lead staff for the utilities and parks
322 committee, or its successor.

323 P7 PROVIDED FURTHER THAT:

324 CIP Project 315173, Raging river headwaters, funds the purchase of development
325 rights and a conservation easement to preserve approximately four thousand acres of
326 working natural forest. Within one week of the purchase, the executive shall report to the
327 council the details of the purchase, including appraisal documents and the final
328 agreement.

329 The report should be presented to the committee of the whole at the first meeting
330 after finalization of the agreement. Additionally, the report must be filed in the form of
331 twelve copies with the clerk of the council, who will retain the original and will forward
332 copies to each councilmember and to the committee coordinators for the physical
333 environment committee and the committee of the whole or their successors.

334 P8 PROVIDED FURTHER THAT:

335 It is the intent of the council that the conservation futures oversight committee,
336 when prioritizing new projects for approval, give highest priority to projects within
337 council districts in which disappropriations occurred to support project 315173, Raging
338 river headwaters.

339 P9 PROVIDED FURTHER THAT:

340 It is the intent of the council that previous appropriations for CFT projects to
341 acquire the BNSF Eastside Rail Corridor remain committed for this purpose.

342 P10 PROVIDED FURTHER THAT:

343 Of this appropriation, project 315173, Raging river headwaters, no more than
344 \$1,000,000 may be expended from funds derived from interfund borrowing and no more
345 than \$600,000 may be expended from funds derived from project 369002, TDR bank.

346 P11 PROVIDED FURTHER THAT:

347 It is the intent of the county that when prioritizing parks capital projects, highest
348 priority will be given to project 358104, east lake Sammamish regional, which is
349 disappropriated to support project 315173, Raging river headwaters.

350 P12 PROVIDED FURTHER THAT:

351 Of the appropriation for project 3771xx, CCD management system upgrade/
352 maintenance, \$306,370 shall be expended to secure the repurposed roster management
353 system and to maintain data systems currently in use by the division. Additionally, by
354 March 2010, the executive shall provide an estimate of the cost and needs for the
355 community corrections division management systems inclusion into the greater
356 department of adult and juvenile detention five-year information technology strategic
357 plan. The executive shall submit this cost estimate in the form of 11 copies with the clerk

358 of the council, who shall retain the original and will forward copies to each
359 councilmember and to the lead staff for the budget and fiscal management committee, or
360 its successor.

361 P13 PROVIDED FURTHER THAT:

362 Of this appropriation, \$100,000 shall not be expended or encumbered until the
363 executive transmits and the council receives a facility assessment report which shall be
364 due to the council by June 30, 2010. The assessment report shall propose a Green River
365 valley potential flooding mitigation strategy and funding proposal that covers the next
366 three to five years.

367 The report shall be transmitted in the form of fourteen copies with the clerk of the
368 council, who shall retain the original, and distribute a copy to all councilmembers, the
369 council chief of staff, the council director of strategic policy initiatives, the lead staff to
370 the budget and fiscal management committee and the lead staff to the government
371 accountability and oversight committee, or their successors.

372 P14 PROVIDED FURTHER THAT:

373 Of this appropriation, \$25,000 shall not be expended or encumbered until the
374 executive transmits to the council by January 11, 2010, a report outlining a strategy for
375 resumption of the ongoing regional jail expansion planning, unless the region is facing
376 imminent flooding.

377 The report shall be transmitted in the form of 14 copies with the clerk of the
378 council, who shall retain the original, and distribute a copy to all councilmembers, the
379 council chief of staff, the council director of strategic policy initiatives, the lead staff to

380 the budget and fiscal management committee and the lead staff to the government
381 accountability and oversight committee, or their successors.

382 P15 PROVIDED FURTHER THAT:

383 Of this appropriation, \$1,000,000 shall only be expended or encumbered as
384 follows:

385 1. The executive shall file a flood mitigation status report every other Thursday
386 by noon. Each filing of such a report shall authorize expenditure or encumbrance of
387 \$200,000 from this restricted appropriation. The report shall be designed to augment the
388 reporting requirements of Motion 13085, which also is due every other Thursday by
389 noon. The report shall begin with the next biweekly report due under Motion 13085.

390 The report shall include the following:

391 a. the responsible agency;

392 b. the type of work;

393 c. the vendor or activity, or both;

394 d. the type of activity or contract, for example new or altered scope;

395 e. a description of the activity or contract;

396 f. the duration of the activity or contract;

397 g. the projected dollar amount including identifying any need to access
398 contingency funds;

399 h. planned versus actual accomplishment rate;

400 i. If applicable, the dollar amount in excess of appropriation, and

401 j. If applicable, any modifications to previously reported contracts that changes
402 the information provided in prior reports.

403 2. The report shall be provided to the council in the form of an original and
404 fourteen copies, which shall be filed with the clerk of the council, for distribution to all
405 councilmembers, the council chief of staff, the council director of strategic policy
406 initiatives, the lead staff to the budget and fiscal management committee and the lead
407 staff of the government accountability and oversight committee, or their successors.

408 P16 PROVIDED FURTHER THAT:

409 A Green River flood preparation contingency project is established to allow
410 reprogramming flexibility needed to respond in a timely manner to events beyond the
411 control of the county in preparation and response to the flooding related to the Howard
412 Hanson dam. The executive shall use the appropriated versus actual, as well as projected
413 expenditure data contained in biweekly reports to the council, which are required under
414 Proviso P15 of this section, as a means of determining the need to use contingency funds.

415 If within three business days of the filing of a biweekly report, no councilmember
416 has objected to the encumbrance or expenditure via written notification transmitted to the
417 executive the use of the contingency funds is authorized.

418 However, in the event of imminent risk, the executive may immediately use contingency funds and
419 and fiscal management committee and the lead staff of the government accountability and
420 oversight committee, or their successors.

421 P17 PROVIDED FURTHER THAT:

422 Of this appropriation, \$75,000 shall not be expended or encumbered until the
423 executive submits to the council a proposal for a contract not to exceed eight months for
424 an advisory animal disaster response incident command director to provide animal
425 disaster response expertise, recommendations, planning and coordination in full

426 cooperation with the king county office of emergency management and the council has
427 reviewed and approved the proposal by motion. The advisory animal disaster response
428 incident command director shall have experience as a animal disaster response incident
429 command director, in accordance with the Federal National Incident Management system
430 Appendix B, dated December 2008, in at least four nationally declared disasters, one of
431 which must be in the state of Washington and have experience and training consistent
432 with federal emergency management agency's comprehensive preparedness guidelines.
433 The executive shall develop a work plan for the advisory animal disaster response
434 incident command director, to more fully align the King County emergency plan for
435 animals in the Howard Hanson dam and Green river flooding plan with the best
436 standards, practices and concept of operations established by the Pierce county animal
437 response team.

438 P18 PROVIDED FURTHER THAT:

439 Of this appropriation, all funds appropriated by this ordinance to the office of
440 information resource management, shall be used solely for purposes directly related to
441 the planning and mitigation of the Green River flood. The project review board shall
442 review these expenditures on a monthly basis. For purposes of verifying these
443 expenditures, the office of information resource management shall provide the project
444 review board a detailed accounting of the prior month's expenditures and an explanation
445 of how each expenditure is related to the planning and mitigation of the Green River
446 flood. If any exceptions are identified, the project review board shall notify the council in
447 writing.

448 The report shall be transmitted in the form of fourteen copies with the clerk of the
449 council, who shall retain the original, and distribute a copy to all councilmembers, the
450 council chief of staff, the council director of strategic policy initiatives, the lead staff to
451 the budget and fiscal management committee and the lead staff to the government
452 accountability and oversight committee, or their successors.

453 SECTION 7. Attachment A to this ordinance hereby amends Attachment B to
454 Ordinance 16312, by adding and canceling additional projects to those listed in
455 Attachment B to Ordinance 16312.

456 SECTION 8. Ordinance 16312, Section 127, as amended, is hereby amended by
457 adding thereto and inserting therein the following:

458 From several capital improvement project funds there is hereby appropriated and
459 authorized to be disbursed the following amounts for the specific projects identified in
460 Attachment B to this ordinance.

461	Fund	Capital Fund Name	Amount
462	4616	Wastewater Treatment	\$7,399,300

463 P1 PROVIDED THAT:

464 Of this appropriation, \$1,000,000 shall only be expended or encumbered as
465 follows:

466 1. The executive shall file a flood mitigation status report every other Thursday
467 by noon. Each filing of such a report shall authorize expenditure or encumbrance of
468 \$200,000 from this restricted appropriation. The report shall be designed to augment the
469 reporting requirements of Motion 13085, which also is due every other Thursday by

470 noon. The report shall begin with the next biweekly report due under Motion 13085.

471 The report shall include the following:

472 a. the responsible agency;

473 b. the type of work;

474 c. the vendor or activity, or both;

475 d. the type of activity or contract, for example new or altered scope;

476 e. a description of the activity or contract;

477 f. the duration of the activity or contract;

478 g. the projected dollar amount including identifying any need to access

479 contingency funds;

480 h. planned versus actual accomplishment rate;

481 i. If applicable, the dollar amount in excess of appropriation, and

482 j. If applicable, any modifications to previously reported contracts that changes

483 the information provided in prior reports.

484 2. The report shall be provided to the council in the form of an original and
485 fourteen copies, which shall be filed with the clerk of the council, for distribution to all
486 councilmembers, the council chief of staff, the council director of strategic policy
487 initiatives, the lead staff to the budget and fiscal management committee and the lead
488 staff of the government accountability and oversight committee, or their successors.

489 P2 PROVIDED FURTHER THAT:

490 A Green River flood preparation contingency project is established to allow
491 reprogramming flexibility needed to respond in a timely manner to events beyond the
492 control of the county in preparation and response to the flooding related to the Howard

493 Hanson dam. The executive shall use the appropriated versus actual, as well as projected
494 expenditure data contained in biweekly reports to the council, which are required under
495 Proviso P1 of this section, as a means of determining the need to use contingency funds.

496 If within three business days of the filing of a biweekly report, no councilmember
497 has objected to the encumbrance or expenditure via written notification transmitted to the
498 executive the use of the contingency funds is authorized.

499 However, in the event of imminent risk, the executive may immediately use contingency funds and
500 committee and the lead staff to the budget and fiscal management committee, or their
501 successors.

502 P3 PROVIDED FURTHER THAT:

503 1. The executive shall provide a report to the council by February 11, 2010,
504 analyzing the options and recommending a strategy for providing emergency backup
505 power for the South Treatment Plant in Renton in the future. The analysis should address
506 issues and variables including:

507 a. providing backup power for the next three to five years or permanently;

508 b. lease versus purchase of equipment;

509 c. temporary versus permanent facilities;

510 d. local, state and federal regulatory issues;

511 e. wastewater treatment division budget impacts under various financing
512 strategies;

513 f. opportunities for partnering with other agencies or utilities; and

514 g. opportunities for recouping or realizing revenues from emergency power

515 backup investments

516 2. The report shall be provided to the council in the form of an original and
517 fourteen copies of the notice, which shall be filed with the clerk of the council, for
518 distribution to all councilmembers, the council chief of staff, the council director of
519 strategic policy initiatives, the lead staff to the lead staff to the regional water quality
520 committee and the lead staff to the budget and fiscal management committee, or their
521 successors.

522 SECTION 9. Attachment B to this ordinance hereby amends Attachment D to
523 Ordinance 16312, by adding and canceling additional projects to those listed in
524 Attachment D to Ordinance 16312.

525 SECTION 10. The county council finds as a fact and declares that an emergency
526 exists and that this ordinance is necessary for the immediate preservation of public peace,
527 health or safety or for the support of county government and its existing public
528 institutions."

529 Replace Attachment A, General Government Capital Improvement Program with
530 Attachment A, General Government Capital Improvement Program, dated 10-19-09.

531 Replace Attachment B, Wastewater Treatment Capital Program with Attachment B,
532 Wastewater Treatment Capital Program, dated 10-19-09.

533 Insert Attachment C, Crosswalk to Striking Amendment for PO 2009-0559 shall provide
534 policy guidance for expenditure and reporting purposes.

535 ***EFFECT:***

- Increases the contingency fund from \$4.537m to \$9.934m by [1] reprogramming \$726,800 of Animal Control and \$925k of Elections request to contingency, and [2] Reducing OIRM's and FMD's request by 25% and places the funds into contingency.

- Requires bi-weekly reporting similar to what is already required for emergency procurement reporting, and provides a mechanism for accessing contingency funds
- Allows for leasing of facility[ies] for animal care and mechanism to more fully align the King County Emergency Plan for Animals Howard Hanson Dan/Green River Flooding plan with best practices
- Emphasizes the need to resume regional jail expansion planning by January 11, 2010
- Requires a report by February 11, 2010 analyzing the options and recommending a strategy for providing emergency back-up power for the South Treatment Plant in Renton
- States intent to lease facilities

- Sets policy to use leases rather than purchases of real property to provide

emergency relocation space

- Prohibit purchase of an animal control facility
- Sets policy that county law, safety and justice agencies at the MRJC should

relocate based on expert prediction of weather and dam releases

Attachment A: General Government Capital Program, dated 10-19-09

3951/BUILDING REPAIR & REPLACEMENT SUBFUND
 395009 DJA Exhibit Space (Evidence)
 395929 Green River Flood Preparation
 395930 Green River Flood Preparation Contingency

	2009	2010	2011	2012	2013	2014	Total 2009 - 2014
	149,142						149,142
	17,141,895						17,141,895
	9,934,337						9,934,337
Total Fund 3951	27,225,374						27,225,374
Attachment A - General Government Total	27,225,374						27,225,374
Attachment B - Wastewater Treatment	7,399,300						7,399,300
Grand Total	34,624,674						34,624,674

Attachment B: Wastewater Treatment Capital Program, dated 10-19-09

	2009	2010	2011	2012	2013	2014	Total 2009 - 2014
4616/WTD Construction Fund							
GRFP03 Green River Flood Preparation	6,369,001						6,369,001
GRFP04 Green River Flood Prevention Contingency	1,030,299						1,030,299
Total Fund 4616	7,399,300						7,399,300

Crosswalk to Striking Amendment for PO 2009-0559

Agency	Proposed Ordinance	Contingency	Striking Amendment
DAJD	1,873,849		1,873,849
Executive Office - Communications	530,100		530,100
Scanning/Digitizing Files	344,501		344,501
RALS	217,700		217,700
Emergency Management	150,000		150,000
KCSO	118,317		118,317
HRD	102,535		102,535
District Court	27,720		27,720
Department of Executive Services	22,500		22,500
DJA	149,142		149,142
Contingency	4,537,562	4,537,562	9,934,337
Animal Control	951,800	726,800	225,000
OIRM	4,467,911	1,116,977	3,350,934
FMD	10,511,993	2,627,998	7,883,995
Elections	3,219,744	925,000	2,294,744
TOTAL	27,225,374	9,934,337	27,225,374
Wastewater CIP			
Contingency Project GRFP04		1,030,299	1,030,299
Project GRFP03	7,399,300		6,369,001
TOTAL	7,399,300	1,030,299	7,399,300
TOTAL APPROPRIATIONS	34,624,674	10,964,636	34,624,674

16680

Technical Amendment

added language
to Amendment
51

Page 19

Line 418 - 420

However, in the event of imminent risk, the executive may immediately use contingency funds and shall immediately provide electronic notice of contingency use to the council by distribution to all councilmembers, the council chief of staff, the council director of strategic policy initiatives, the lead staff to the budget and fiscal management committee and the lead staff of the government accountability and oversight committee, or their successors.

Page 23

Line 499 - 501

However, in the event of imminent risk, the executive may immediately use contingency funds and shall immediately provide electronic notice of contingency use to the council by distribution to all councilmembers, the council chief of staff, the council director of strategic policy initiatives, the lead staff to the budget and fiscal management committee and the lead staff of the regional water quality committee, or their successors.

16680



10/19/09 Council Mtg.

Sponsor: Bob Ferguson

mwc/br

Proposed No.: 2009-0559

BF MOVED. PASSED: 9-0

1 **AMENDMENT TO STRIKING AMENDMENT TO PROPOSED ORDINANCE**

2 **2009-0559**

3 On page 5, line 107, delete "8" and insert "5"

4 On page 8, line 170, delete "8" and insert "5"

5 On page 9, line 179, delete "8" and insert "5"

6 On page 10, line 217, delete "8" and insert "5"

7 On page 12, line 254, delete "8" and insert "5"

8

9 **EFFECT: The amendment would limit the executive's ability to lease an animal**
10 **services facility for a term not to exceed five months. The amendment is intended to**
11 **limit any potential leases for an animal services facility to the duration of the**
12 **2009/2010 flood season.**

Bob Ferguson

16680

T1

October 19, 2009 Council Mtg.

Sponsor: Gossett, Hague, Lambert, Patterson

pj

Proposed No.: 2009-0559

Lg MOVED

PASSED: 9-0

1 **TITLE AMENDMENT TO PROPOSED ORDINANCE 2009-0559, VERSION 1**

2 On page 1, line 1, delete everything through page 1, line 9 and insert

3 "AN ORDINANCE making a supplemental appropriation

4 of \$34,624,674 to various capital funds to prepare county

5 facilities so that high priority service delivery will not be

6 interrupted in the event that Howard Hanson dam

7 structural faults cause flooding in the Green River valley;

8 and amending the 2009 Budget Ordinance, Ordinance

9 16312, Sections 27, 107, 114, 115, 125, and 127, as

10 amended, and Attachments B and D, as amended; and

11 declaring an emergency."

EFFECT:

- Amends the title to reflect striking amendment to the 2009 Budget Ordinance, Ordinance 16312, Sections 27, 107, 114 and 115.