



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

May 12, 2015

Ordinance 18039

Proposed No. 2014-0378.2

Sponsors von Reichbauer

1 AN ORDINANCE certifying the existence of an emergency,
2 requiring the pumping of flood water from Horseshoe lake to
3 Black Diamond Parcel No. 152106-9103, and certifying the
4 cost incurred related to the pumping.

5 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

6 **SECTION 1. Findings:**

7 A. Horseshoe lake is a groundwater-fed closed depression, Parcel - 346340TRCT
8 owned by the Horseshoe Lake Subdivision Homeowner's Association, located in
9 Southeast King County, west of the city of Black Diamond.

10 B. The water level of Horseshoe lake has risen periodically to levels that
11 threatened both public and private property, and the county has undertaken temporary
12 pumping actions since the 1990s to limit damages.

13 C. The rapidly rising water level at Horseshoe lake in early 2014 posed an
14 imminent flood threat to both a public road and six homes.

15 D. Based on the foregoing facts, on March 28, 2014, the manager of the water
16 and land resources division of the department of natural resources and parks, and the
17 director of the department of natural resources and parks, issued a determination of
18 emergency under K.C.C. chapter 12.52 and RCW 39.04.280, and subsequently sought

19 and received a waiver of procurement procedures under CON 7-3-2, K.C.C. 2.93.080 and
20 RCW 36.32.235, which is Attachment A to this ordinance.

21 E. Department of transportation road services division employees have
22 experience from completing previous emergency pipe fabrication and pumping
23 operations at Horseshoe lake and the ability to immediately implement the necessary
24 emergency action to prevent property damage.

25 F. RCW 36.32.235(12) authorizes the county to use public employees to
26 undertake emergency public work performed under a declaration of emergency. The
27 statute also requires that, within two weeks of the emergency declaration, the county
28 legislative authority adopt a resolution certifying the damage to public facilities and the
29 costs incurred or anticipated relating to correcting the emergency.

30 G. Although the executive did not advise the council of the declaration of
31 emergency, use of county employees, or the costs to complete the project until after the
32 two week period expired, this ordinance complies with the intent of the statute and
33 provides the basis for the use of public employees and the costs to address the
34 emergency.

35 H. The department of natural resources and parks has determined the cost
36 incurred for the approximately four weeks of pumping to be one hundred fifty five
37 thousand dollars for the pump rental, piping and fittings plus one hundred sixty six
38 thousand dollars for county labor to fabricate the four thousand foot long pipeline and to
39 perform the pumping and monitoring work.

40 I. The department of natural resources and parks also performed monitoring of
41 the Horseshoe lake homes and the surrounding community to ensure that no property
42 damage occurred as a result of the pumping.

43 J. The executive has sufficient funds assigned to capital projects related to this
44 action, including the water and land resources division stormwater
45 emergency/opportunity program and Horseshoe lake flood reduction project, so that no
46 supplemental budget appropriation ordinance is necessary.

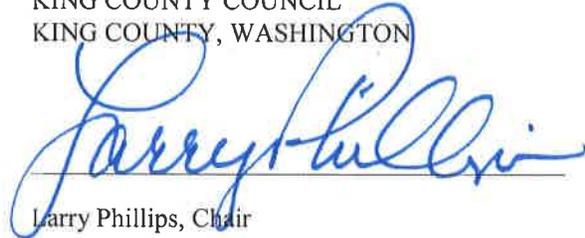
47 SECTION 2. In accordance with RCW 36.32.235(12), the council hereby
48 certifies that the flooding at Horseshoe lake created an emergency situation and certifies
49 the total cost incurred to address the emergency to be three hundred twenty one thousand

50 dollars, which was a necessary expenditure to prevent significant property damage,
51 including to county facilities.
52

Ordinance 18039 was introduced on 1/20/2015 and passed by the Metropolitan King County Council on 5/11/2015, by the following vote:

Yes: 7 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Lambert,
Mr. Dunn, Mr. Dembowski and Mr. Upthegrove
No: 0
Excused: 2 - Ms. Hague and Mr. McDermott

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 22nd day of May, 2015.


for Dow Constantine, County Executive

RECEIVED
2015 MAY 22 PM 4: 00
KING COUNTY COUNCIL CLERK

Attachments: A. Memorandum Dated 4-4-14


King County
Water and Land Resources Division

Department of Natural Resources and Parks

King Street Center

 201 South Jackson Street, Suite 600
 Seattle, WA 98104-3855

206-477-4800 Fax 206-296-0192

TTY Relay: 711

2014-064

April 4, 2014

 TO: Ken Guy, Division Director, Finance and Business Operations Division,
 Department of Executive Services

 VIA: *CB-CT* Christie True, Director, Department of Natural Resources and Parks (DNRP)

 FM: *FCB* Mark Isaacson, Division Director, Water and Land Resources Division, DNRP

 RE: Waiver from \$90,000 Construction Limit for Horseshoe Lake Pumping

Pursuant to the authority granted by RCW 39.04.280 and King County Code (KCC) 12.52 and 2.93.080 and CON 7-3-2, the Director of the Department of Natural Resources and Parks has determined that an emergency exists at Horseshoe Lake parcel number 346340TRCT, owned by the Horseshoe Lake Subdivision Homeowner's Association. The Water and Land Resources (WLR) Division is seeking approval of an emergency waiver from a limit of \$90,000 construction by King County Public Works employees per RCW 36.32.235.

Horseshoe Lake is a closed depression located in Southeast King County, west of Black Diamond. The lake has no surface outlet, so lake levels are controlled by the level of groundwater in the basin surrounding the lake. This groundwater level varies from one year to the next in an unpredictable fashion, making it difficult and of low certainty to know when pumping will be needed to prevent flooding of several homes surrounding the lake. In the last month, water levels have risen faster than seen on record, creating an emergency situation in which pumping must begin as soon as possible to avoid damage to the homes. This project will pump water from Horseshoe Lake to a temporary receiving site within the Villages Master Planned Development in the City of Black Diamond to prevent flooding of homes and a sole access road to the homes. The project will entail installation of approximately 4,000 feet of pipe and rental/operation of a pump for several weeks as needed to keep lake levels from causing severe flood damage.

We determined the pumping of water from Horseshoe Lake is an emergency because the lake levels are now starting to enter the crawlspace of at least two homes and are expected to start flooding living space and critical utility services to the homes within the next few days. Given the urgency of the situation, King County Roads Maintenance has already been mobilized to begin installing pipe for the pumping project. The estimated labor cost for this installation is \$70,000 to \$80,000. The length of pipe needed will be temporarily used from 4,400 linear feet of pipe purchased by a separate King County project concurrently occurring on these properties. The pipe was delivered to the site on March 28, 2014 by a King County Roads Maintenance bid book vendor and purchased in the amount of \$111,649.10. The Emergency Project Manager in charge of this project had assumed that this pipe purchase and delivery was a separate action not subject to the

2014-064

Ken Guy
April 4, 2014
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\$90,000 limit per RCW 36.32.235 because it was planned to be used at a later date for a different project to be constructed by the property owner under a development agreement with the County. Staff may have been incorrect in making this assumption, so as a precaution, we are requesting an emergency waiver of the limit of \$90,000 construction by King County Public Works employees per RCW 36.32.235 so that construction can continue and be completed prior to July 31, 2014.

Thank you for your attention to this matter. If you have any questions or need additional information, please contact Tammy Rowlan, Contract Specialist in the River and Floodplain Management Section, at 206-477-4816 or Don Althausser, Managing Engineer in the Stormwater Services Section of the WLR Division, at 206-477-4608 (mail stop KSC-NR-0600).

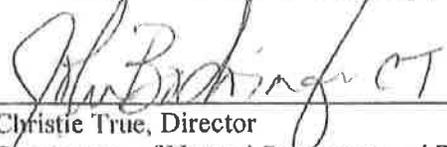
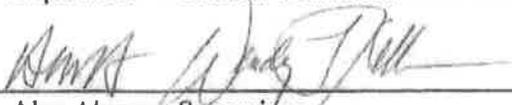
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Enclosure

- cc: John Taylor, Assistant Division Director, Water and Land Resources (WLR) Division, Department of Natural Resources and Parks (DNRP)
- Curt Crawford, Manager, Stormwater Services Section (SWSS), WLR Division, DNRP
- Don Althausser, Managing Engineer, Capital Services Unit (CSU), SWSS, WLR Division, DNRP
- Claire Jonson, Project Manager, CSU, SWSS, WLR Division, DNRP
- Tammy Rowlan, Contract Specialist, River and Floodplain Management Section, WLR Division, DNRP

Certification:

I hereby certify that the facts and statements concerning this request for an emergency waiver from a limit of \$90,000 construction by King County Public Works employees per RCW 36.32.355 are accurate to the best of my knowledge.

 <hr/> Christie True, Director Department of Natural Resources and Parks	Approve Disapprove <input checked="" type="checkbox"/> <input type="checkbox"/>	4/7/14 <hr/> Date
 <hr/> Alan Abrams, Supervisor Procurement and Contract Services Section	<input type="checkbox"/> <input type="checkbox"/>	4/10/14 <hr/> Date
 <hr/> Ken Guy, Division Director Finance and Business Operations Division	<input checked="" type="checkbox"/> <input type="checkbox"/>	4-10-14 <hr/> Date