October 9, 2019

The Honorable Rod Dembowski, Chair

King County Council

Room 1200

C O U R T H O U S E

Dear Councilmember Dembowski:

The enclosed proposed ordinance, if enacted, will amend portions of King County Code (KCC) to clarify and streamline county procedures that go into effect when the Executive declares or proclaims an emergency. These changes were prompted by county agency experiences using the existing emergency waiver process, including most recently, responses to heavy snowstorms that hit the region in early 2019.

The Department of Executive Services, in consultation with the Prosecuting Attorney, and legal counsel for the King County Council, have collaborated on the proposed ordinance amendments. The amendments clarify procedures for the use and duration of waivers from competitive procurement when contracting on an emergency basis and modify reporting requirements to the council. The proposed legislation also supports the provision of lodging and meals for county employees who are required to remain close to their worksite to staff emergency operations.

Reporting requirements for emergency waiver contracts

* Instead of using a contract dollar threshold ($250,000) to measure when formal notice of an emergency should be forwarded to the council, the proposed ordinance requires every emergency declaration or proclamation waiving the requirements of competitive procurement laws be delivered to the council within two business days (or sooner if a contract must be signed immediately). The ordinance then retains the current provision that a full report on all emergency contracts be submitted to the council within 45 days. Any agency that will exceed its appropriation authority must transmit a proposed ordinance to the Council specifying the reason for the expenditure, the appropriation amount and the source of funds.
* In addition, a contract waiver issued in the event of an emergency will expire after 21 calendar days—not the current 10 days after the $250,000 contract dollar threshold has been exceeded—unless terminated sooner by the Executive or Council. The Council may also extend a waiver beyond the 21-day period. These changes are intended to allow agencies more time for completing emergency work via contracts and for reporting meaningful and accurate information about the contract waivers.

Approval process for employee lodging and meals during emergencies

* The amended ordinance specifically clarifies that employees may be provided either lodging or meals—via direct payments by the county or by employee reimbursements—in the event of a declared emergency. The ordinance further clarifies that payments or reimbursements are allowed under the following conditions: (1) the employee must remain close to the worksite to respond to the emergency; (2) the work performed is critical or necessary for responding to the emergency; and (3) the lodging and meals must be approved by an elected official or designee in writing during the first 24 hours, and any extensions beyond the first 24 hours must also be approved in writing.

This proposed legislation supports the King County Strategic Plan goals of service excellence and financial stewardship. The if enacted, this legislation will enable county agencies to focus their attention on responding to emergencies while ensuring there is accurate reporting for contract waivers and appropriate approvals for providing employees with lodging and meals during emergency events.

If your staff have any questions about the ordinance please contact Ken Guy, Director of the Finance and Business Operations Division, at 206-263-9254.

Sincerely,

Dow Constantine

King County Executive

Enclosure

cc: King County Councilmembers

ATTN: Carolyn Busch, Chief of Staff

Melani Pedroza, Acting Clerk of the Council

Dwight Dively, Director, Office of Performance, Strategy and Budget

Caroline Whalen, County Administrative Officer, Department of Executive Services

(DES)

Ken Guy, Director, Finance and Business Operations, DES

Brendan McCluskey, Director, Office of Emergency Management, DES

Anthony Wright, Director, Facilities Management, DES