



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

FCD Resolution

Proposed No. FCD2020-09.1

Sponsors

1 A RESOLUTION authorizing the use of digital and
2 electronic signature use and ratifying emergency electronic
3 signature use per chapter 19.360 RCW.

4 WHEREAS, as a result of the global pandemic caused by the spread of the novel
5 coronavirus known as COVID-19, the U.S. President, the Governor of the state of
6 Washington, and the King County Executive have declared a state of emergency in King
7 County, and ordered the use of policies and procedures to limit in-person contact so as to
8 avoid the spread of the disease, and

9 WHEREAS, on March 19, 2020, the Chair of the King County Flood Control
10 Zone District ("the District") echoed the proclamations of the aforementioned leaders,
11 and entered a finding of an emergency for the District, pursuant to FCD Resolution 2009-
12 06.2, and

13 WHEREAS, consistent with that finding, the Chair authorized the Executive
14 Director and staff of the District to take actions necessary to ensure the operation of the
15 District during this crisis in furtherance of the public health and welfare, including the
16 need to utilize remote work and electronic records maintenance, and

17 WHEREAS, as an emergency measure, the Chair and staff utilized electronic
18 signatures for the purposes of executing records necessary to the continued operation of
19 the District identified herein, so as to ensure the federal, state and county directives for

social distancing were honored, and

WHEREAS, pursuant to chapter 19.360 RCW, the District may determine whether and to what extent it will authorize by policy the use of electronic signatures in lieu of hand-written signatures on legislation, financial records and other documents, and

WHEREAS, RCW 19.360.020 authorizes the District to utilize electronic signatures in the conduct of its affairs and other transactions and to establish a method and process for such use by ordinance, resolution, policy, or rule, and

WHEREAS, the use of electronic signature technologies can benefit the District by decreasing the District's reliance on paper transactions and physical documents, lessening administrative demands, improving efficiency and aiding the conduct of business during an public health emergency, and

WHEREAS, the District desires to ratify the use of electronic signature described herein, and authorize the continued use of electronic signatures during a declared emergency, subject to policies that create reasonable safeguards;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE KING COUNTY FLOOD CONTROL ZONE DISTRICT:

SECTION 1. The Board of Supervisors for the King County Flood Control Zone District finds it to be in the public interest to allow the use of electronic records and electronic signatures for District business to the fullest extent allowed by law.

SECTION 2. The Board adopts the King County Flood Control Zone District Rules and Operating Procedures as amended, and as attached hereto as Exhibit A and incorporated herein as referenced.

SECTION 3. The Board authorizes the Chair, Vice Chair and Executive Director,

43 and their designees to affix electronic signatures to electronic records consistent with the
44 policies adopted herein.

45 SECTION 4. The Board finds that the Chair's use of an electronic signature to
46 execute the following documents during the declared COVID-19 emergency met the
47 intent and requirements of this Resolution, and the Chair's use of the electronic signature
48 is hereby ratified for these documents: A. Finding of Emergency by the Chair of the
49 King County Flood Control Zone District, Pertaining to an Emergency Relating to the
50 COVID-19 Virus, dated March 19, 2020; B. the four Special District Journal Entry Form

- 51 authorizing payment to King County for services rendered, dated March 25, 2020; and C.
52 Master Agreement for Insurance Coverage, dated March 30, 2020.
53

FCD Resolution FCD 2020-09 was introduced on and passed by the King County Flood Control District on 4/14/2020, by the following vote:

Yes: 9 - Mr. von Reichbauer, Ms. Lambert, Mr. Dunn, Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles, Ms. Balducci and Mr. Zahilay

KING COUNTY FLOOD CONTROL ZONE
DISTRICT
KING COUNTY, WASHINGTON



Dave Upthegrove, Chair

ATTEST:



Melani Pedroza, Clerk of the Board

Attachments: A. Exhibit A - King County Flood Control Zone District Rules and Operating Procedures, as amended April 14, 2020

**KING COUNTY FLOOD CONTROL ZONE DISTRICT
RULES AND OPERATING PROCEDURES**

Section 1 Purpose.

The purpose of this resolution is to establish rules and operating procedures for the King County Flood Control Zone District (the "District").

Section 2 Definitions.

A. "Advisory Committee" means the advisory committee for the King County Flood Control Zone District as established by King County Ordinance 15278.

B. "Board" means the Board of Supervisors of the King County Flood Control Zone District ("FCZD"), who as King County Councilmembers are ex officio members of the Board.

C. "Executive Committee" means the executive committee of the King County Flood Control Zone District, consisting of four members of the Board who are appointed by the chair of the Board.

D. "Legislation" means a "motion" or "resolution".

E. "Motion" means legislation that organizes and administers the Flood Control Zone District or that contains declarations of policy which do not have the force of law.

F. "Resolution" means legislation that has the force of law.

Section 3 Officers.

A. The chair of the Board shall be elected by the members of the Board. The chair of the Board may appoint another member of the Board to preside at a Board meeting.

B. The chair of the Board shall preside at Board meetings, sign resolutions and other documents on behalf of the Board and perform such other duties as are commonly associated with that office.

C. The vice-chair of the Board shall be elected by the members of the Board. The vice-chair shall act in the absence of the chair.

D. The chair and the vice-chair shall serve at the pleasure of the Board for a term of one year, unless decided otherwise by the Board and until successors are chosen.

Section 4 Executive Committee.

A. The Executive Committee shall consist of four members of the Board, elected by the members of the Board.

B. The Executive Committee members shall serve at the pleasure of the Board for a term of one year, unless decided otherwise by the Board and until successors are chosen.

C. On behalf of the Board, the Executive Committee may take the following actions and perform the following functions, in addition to those identified elsewhere in these rules:

1. Approve contracts for goods and services up to \$100,000;
2. Review and recommend capital projects to the Board;
3. Develop and approve staffing and personnel policies related to the administration of the District; and
4. Oversee and administer the daily administration of the District.

D. At the first meeting in January, the Executive Committee shall elect a chair and vice-chair of the Committee, who shall serve for a term of one year and until their successors are elected.

E. The chair of the Executive Committee:

1. Shall preside at Committee meetings and perform such other duties as are commonly associated with that office, and
2. May approve contracts for goods and services that are up to \$20,000 in an amount and that are included in the District's budget and work program. After approval of such a contract, the agenda for the next Executive Committee meeting shall contain an agenda item for the contract and at the meeting the chair of the Executive Committee or designee shall give a report regarding the contract.

F. The Executive Committee shall reflect the geographic diversity of the District.

G. The vice-chair shall perform the duties of the chair in the chair's absence.

H. The chair or the vice-chair of the Executive Committee may be removed by simple majority vote of the total membership of the Committee. If the chair or vice-chair of the Committee is removed, the Committee shall elect a successor as provided herein.

I. If any decision of the Executive Committee is not unanimous, the decision shall be forwarded to the Board for final decision at the request of any member who voted against the decision.

Section 5 Advisory Committee.

A. The Advisory Committee shall consist of fifteen members, consisting of permanent seats and two-year seats, as follows:

1. Ten permanent seats shall be held by:

a. each mayor, or a council member alternate designated by the mayor, of the following cities: Tukwila, Auburn, Kent, Renton, Snoqualmie, North Bend, Carnation, Seattle and Bellevue; and

b. the King County executive;

2. Four two-year seats shall be held by either mayors or city council members, or mayor or council member alternates, as nominated by the Suburban Cities Association or its successor, from the remaining cities in King County to ensure the goal of diversity in the geographic location and size of jurisdictions on the advisory committee; and

3. One two-year seat shall be held by an individual chosen from lists of no more than three nominees submitted to the Board by each of the King County Unincorporated Area Councils, alternating between a resident of the urban unincorporated area and the rural unincorporated area.

4. The members for two-year seats allocated to representatives of the Unincorporated Area Councils and the Suburban Cities Association or its successor shall be subject to confirmation by the Board.

B. The Advisory Committee shall review and recommend to the Board an annual work program and budget for the district, including capital improvement program projects and funding levels, subject to approval or approval and modification by the board of supervisors.

C. Each seat on the advisory committee shall have one vote, unless rules adopted by the Advisory Committee provide otherwise.

D. The Advisory Committee shall elect a chair of the Committee, whose term shall be of indefinite duration.

E. The chair of the Advisory Committee shall preside at Committee meetings, and perform such other duties as are commonly associated with that office.

F. The Advisory Committee shall elect or remove a vice-chair in the same manner as the chair. The vice-chair's term shall be of indefinite duration. The vice-chair shall perform the duties of the chair in the chair's absence.

G. The chair of the Advisory Committee or the vice-chair may be removed by simple majority vote of the total membership of the Committee. If the chair or the vice-chair of the Committee is removed, the Committee shall elect a successor as provided herein.

H. Each seat on the Advisory Committee shall have one vote, unless rules adopted by the advisory committee provide otherwise.

I. The Advisory Committee shall adopt other rules governing its operations, at or promptly after its first meeting.

Section 6 Meetings.

A. The regular meetings of the Board shall be held at 2:00 p.m. on the second Tuesday of each month. The regular location of Board meetings shall be the King County Council Chambers, 10th floor King County Courthouse, Seattle, Washington 98104.

B. The regular meetings of the Executive Committee shall be held at 11:30 a.m. on the first and third Wednesday of each month. The regular location of the Executive Committee meetings shall be the King County Council Chambers, 10th floor King County Courthouse, Seattle, Washington 98104.

C. Special meetings of the Board or Executive Committee may be called by their respective chairs or as provided in RCW 42.30.080.

C. The Board, the Executive Committee and the Advisory Committee shall comply with the Open Public Meetings Act, Chapter 42.30 RCW. Any member of the Board may attend a meeting of the Executive or Advisory Committees.

Section 7 Executive Committee and Board Action.

A. A quorum of the Board shall consist of four members. A quorum of the Executive Committee shall consist of three members of the Committee.

B. All actions of the Board or Executive Committee shall be by simple majority vote of those present. All actions of the Executive Committee shall be simple majority vote of those present; provided that if only two members of the Executive Committee are present, the Executive Committee may act by unanimous vote of the two members and written concurrence in that vote by a third member of the Executive Committee, which concurrence shall be filed with the Clerk of the Board by the close of the second business day after the vote.

C. Members of the Board and Executive Committee must be present to vote on a matter before the Board or Executive Committee, except as provided in subsections B and D of this section. Members of the Board or Executive Committee participating by telephone or other electronic means as allowed under subsection D of this section are present for quorum purposes.

D. The clerk of the Board, in consultation with the chair, shall establish authentication and operating procedures, which must comply with all state and county laws regarding open public meetings. It shall be noted in the minutes when members participate by telephone or other electronic means.

1. Members may participate and vote in meetings of the Executive Committee of which they are members and in meetings of the Board by telephone or other electronic means under the following circumstances:

a. under any circumstances up to five times per calendar year per supervisor; and

b. under circumstances constituting good cause, which include:

i. an emergency, as defined in K.C.C. 12.52.010;

ii. special meetings when the regular meetings of the Board shall not take place; or

iii. urgent circumstances as defined in subsection D.5 of this section, if the member's attendance is approved in accordance with subsection D.2. of this section.

2. A member wishing to participate and vote in a Board or Executive Committee meeting by telephone or other electronic means under subsection D.1.b.iii. of this section shall use the following process:

a. The member shall declare orally or in writing to the chair of the meeting that the member requests to participate and vote by telephone or other electronic means because of urgent circumstances;

b. After receiving the request from the member, the chair shall promptly approve or deny the request and so inform the member, who may accept the chair's ruling or appeal the chair's ruling to the members present at the meeting; and

c. Reversal of the chair's ruling requires an affirmative vote of a two-thirds majority of the members present at the meeting. For a Board meeting, reversal of the chair's ruling also requires that a quorum be present.

3. In notifying the meeting chair of the member's intent or request to participate and vote by telephone or other electronic means under this subsection C., the member shall specify the specific provision of this subsection C. on which the member is relying.

4. To facilitate connection to the broadcasting system, notices or requests for participation by telephone or other electronic means should be made half an hour in advance of the meeting when possible, and the member should promptly inform the clerk of the meeting of the notice or request. When participating by telephone or other electronic means, the member shall speak audibly so that the public can hear the discussion and voting process.

5. For the purposes of this subsection D., "urgent circumstances" means when a member experiences one or more of the following:

a. inclement weather, such as a flood alert or snow in the member's district, that results in circumstances that make it unsafe for the member to attend the meeting; and

b. the member or an immediate family member, as "immediate family" is defined in K.C.C. 3.12.010, has a medically-related issue or other urgent need for assistance, including without limitation the death of an immediate family member, that makes it difficult for the member to attend the meeting.

E. All actions of the Board or Executive Committee shall be recorded in the minutes, copies of which shall be distributed to each member of the Board or Committee.

Section 8 Board Resources.

A. The Board shall determine and provide for staff and other resources required to assist the Board and the Executive Committee in performing their duties.

B. Hiring and staffing decisions. The Executive Committee shall oversee employment-related issues for the Board in consultation with the Executive Director, as follows:

1. Prepare and adopt administrative and personnel-related policies (see Section 4.C. above).

2. Job descriptions, classifications, and an organizational chart of employees of the District shall be reviewed and recommended by the Executive Committee, and authorized by motion of the Board.

3. The Executive Committee shall establish and be responsible for outreach, recruitment and hiring for the Executive Director, provided:

a. Hiring of the Executive Director shall be subject to appointment by motion of the Board; and

b. The Executive Director shall report to the Chair of the Board, and shall be accountable and responsive to the supervisors on the Board; and

c. The Executive Director is responsible for the efficient overall management and administration of the King County Flood Control District; and

d. The Executive Director is subject to the policies and procedures of the District; and

e. The Executive Committee shall annually evaluate the performance of the Executive Director, using a process established by the Executive Committee; and

f. The Executive Director is subject to disciplinary actions as determined by the Executive Committee. The Executive Director, if either suspended without pay for two weeks or more or terminated, may appeal the decision to the Board. The appeal must be filed within ten calendar days of written notice of the suspension or termination being sent to the employee. An appeal is filed by delivering a notice of appeal to the clerk of the Board.

4. The Executive Director shall:

a. consult with the Board chair and vice chair about the hiring decision before extending an offer of employment for Deputy Executive Director; and

b. shall make hiring decisions for all positions that report to the Executive Director as they appear in the organization chart adopted by the Board.

Section 9 Electronic Signature Authorized.

A. Authorization. The Chair, Vice Chair, and Executive Director, or designees, are authorized to utilize electronic signatures during an emergency, as defined at RCW 38.52.010, for the execution of records, except as indicated in this section. An electronic signature may be used with the same force and effect as a signature affixed by hand, subject to the limitations in this section and under state and federal law.

B. Definitions. Except where specifically defined in this section, all words in this section shall have the meaning commonly associated therewith.

1. Record. A record is defined as any paper, machine-readable material, completed form, or other document, regardless of physical format, made or received by the District in connection with the transaction of public business.
2. Electronic Signature. An electronic sound, symbol or process, attached to or logically associated with an electronic record, and executed or adopted by a person with the intent to sign the record.

C. Requirements for Use of Electronic Signature. Consistent with the Board's authorization, an electronic signature may be utilized during a

declared emergency in lieu of a handwritten signature, when the following requirements are met:

1. The electronic signature shall be in the form of either a digitized graphical image of a handwritten signature or a digital signature using a private user signing key and public validation key.
2. The electronic signature shall be accompanied on the record by the date and time of the signature, unless the electronic signature technology is self-auditing.
3. The identification and authentication of the signer shall be possible based on the e-signature;
4. The signer shall intend to sign;
5. The electronic signature shall be reliably associated with the record;
6. The signed record shall have integrity (e.g., legibility, no indication of alteration, secure and reliable storage process, access limited to authorized persons), which shall be ensured by using an integrity control measure, including but not limited to encrypted transport protocols, message encryption, or multifactor authentication methods.

D. Restrictions on use of Electronic Signature. An electronic signature may be used on any record other than:

1. Promissory notes;
2. Real property title documents;
3. Sureties and guarantees of payment from a third party;
4. Transactions which require a notarized signature, sworn signature, or witnessed signature ; and
5. Any other record that shall not be executed by electronic signature pursuant to a federal, state or local law.

Section 109 Miscellaneous.

A. The rules of the Metropolitan King County Council as contained in K.C.C. chapter 1.24 or, where those rules are silent, the rules contained in the 2000 edition of Robert's Rules of Order Newly Revised 10th edition shall govern the Board and Executive Committee in all cases in which they are reasonably applicable and not inconsistent with this resolution.

B. The Board may revise these rules and operating procedures at any regular or special meeting by majority vote.

ADOPTED by the King County Flood Control Zone District on the 6th day of November, 2007.

AMENDED by the King County Flood Control Zone District on the 22nd day of September, 2008.

AMENDED by the King County Flood Control Zone District on the 4th day of March, 2009.

AMENDED by the King County Flood Control Zone District on the 12th day of October, 2009.

AMENDED by the King County Flood Control Zone District on the 21st day of March, 2011.

AMENDED by the King County Flood Control Zone District on the 26th day of February, 2013.

AMENDED by the King County Flood Control Zone District on the 26th day of February, 2014.

AMENDED by the King County Flood Control Zone District on the 8th day of January, 2018.

AMENDED by the King County Flood Control Zone District on the 6th day of March, 2019.

AMENDED by the King County Flood Control Zone District on the 8th day of January, 2020.

AMENDED by the King County Flood Control Zone District on the 14th day of April, 2020.



Chair of the Board

ATTEST:



Clerk