



Legislation Text

File #: 2009-0559, **Version:** 2

Clerk 10/20/2009

AN ORDINANCE making a supplemental appropriation of \$34,624,674 to various capital funds to prepare county facilities so that high priority service delivery will not be interrupted in the event that Howard Hanson dam structural faults cause flooding in the Green River valley; and amending the 2009 Budget Ordinance, Ordinance 16312, Sections 27, 107, 114, 115, 125 and 127, as amended, and Attachments B and D, as amended; and declaring an emergency.

BE IT ORDAINED BY THE KING COUNTY COUNCIL:

SECTION 1. Findings:

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

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

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

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

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

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

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

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

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

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

K. Due to the damage to the abutment at the Howard Hanson dam and the concern that permanent

repairs may not be completed for a period of three to five years, the King County council adopted Ordinance 16639 on August 29, 2009. The ordinance authorized the executive to declare a state of emergency on September 10, 2009, and waived procurement procedures. The King County council passed Motion 13085 and extended to March 31, 2010, the waiver for competitive bidding and solicitation requirements in order to ensure assure timely availability and acquisition of emergency design, construction and other required services, materials and equipment necessary to protect King County citizens, facilities, roads and other assets from the threat of flooding in the Green River valley.

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

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

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

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

the wastewater treatment and general fund financial plans.

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

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

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

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

RECORDS AND LICENSING SERVICES - from the general fund there is hereby appropriated to:

Records and licensing services: \$0

ER1 EXPENDITURE RESTRICTION:

Of this appropriation, funds may be expended to lease an animal services facility for a term not to exceed 5 months, but no funds may be expended to purchase an animal services facility.

P1 PROVIDED THAT:

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

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

P2 PROVIDED FURTHER THAT:

Of this appropriation, \$50,000 shall not be expended or encumbered until the records and licensing services division, working in conjunction with the facilities management division, submits to the council monthly status reports on all CIP Projects at the Animal Control Shelters at Kent and Crossroads. This restriction shall be reduced in four equal quarterly increments of \$12,500 upon receipt of the monthly reports for each quarter. The monthly reports shall include a summary and current status of the scope, schedule and budget for each CIP project. Status reports shall identify any significant deviations from planned project implementation and highlight any anticipated problems that might significantly impact project progress.

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

P4 PROVIDED FURTHER THAT:

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

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

P5 PROVIDED FURTHER THAT:

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

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

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

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

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

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

SAFETY AND CLAIMS MANAGEMENT - from the safety and workers compensation fund there is

hereby appropriated to:

Safety and claims management \$0

ER1 EXPENDITURE RESTRICTION:

Of this appropriation, funds may be expended to lease an animal services facility for a term not to exceed 5 months, but no funds may be expended to purchase an animal services facility.

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

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

Facilities management internal service \$0

ER1 EXPENDITURE RESTRICTION:

Of this appropriation, funds may be expended to lease an animal services facility for a term not to exceed 5 months, but no funds may be expended to purchase an animal services facility.

P1 PROVIDED THAT:

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

P2 PROVIDED FURTHER THAT:

Of this appropriation, \$500,000 shall not be expended or encumbered until the executive transmits a report detailing how the facilities management division plans to implement its plan to eliminate the supported crew as part of the six-month funding strategy, while complying with the terms of the Service Employees International Union Local 925 labor agreement or federal requirements, including the Americans with

Disabilities Act. This report shall be transmitted by March 1, 2009.

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

P3 PROVIDED FURTHER THAT:

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

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

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

RISK MANAGEMENT - From the insurance fund there is hereby appropriated to:

Risk management	\$0
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ER1 EXPENDITURE RESTRICTION:

Of this appropriation, funds may be expended to lease an animal services facility for a term not to exceed 5 months, but no funds may be expended to purchase an animal services facility.

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

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

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

ER1 Expenditure Restriction:

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

ER2 Expenditure Restriction:

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

ER3 Expenditure Restriction:

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

ER4 EXPENDITURE RESTRICTION:

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

ER5 EXPENDITURE RESTRICTION:

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

mitigation purposes.

ER6 EXPENDITURE RESTRICTION:

Of this appropriation, funds may be expended to lease an animal services facility for a term not to exceed 5 months, but no funds may be expended to purchase an animal services facility.

ER7 EXPENDITURE RESTRICTION:

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

P1 PROVIDED THAT:

None of the funds appropriated for Renton Maintenance Fund Capital Improvement Projects South Regional Maintenance Facility (CIP Project number 300808) or Property Sale Transaction Costs (CIP Project number 700209) may be expended or encumbered until the council has approved a purchase and sale agreement of the county-owned property known as the Summit Pit regional roads maintenance facility.

P2 PROVIDED FURTHER THAT:

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

The progress reports shall be transmitted in the form of 11 copies with the clerk of the council, who

shall retain the original and will forward copies to each councilmember and to the lead staff for the general government and labor relations committee, or its successor.

P3 PROVIDED FURTHER THAT:

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

The executive shall file the business case and proposed motion by May 1, 2009, the business case and a proposed motion in the form of 12 copies with the clerk of the council, who shall retain the original and will forward copies to each councilmember and to the lead staff for the general government and labor relations committee and the law, justice and human services committee, or their successors.

P4 PROVIDED FURTHER THAT:

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

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

P5 PROVIDED FURTHER THAT:

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

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

P6 PROVIDED FURTHER THAT:

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

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

P7 PROVIDED FURTHER THAT:

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

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

P8 PROVIDED FURTHER THAT:

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

P9 PROVIDED FURTHER THAT:

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

P10 PROVIDED FURTHER THAT:

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

P11 PROVIDED FURTHER THAT:

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

P12 PROVIDED FURTHER THAT:

Of the appropriation for project 3771xx, CCD management system upgrade/ maintenance, \$306,370 shall be expended to secure the repurposed roster management system and to maintain data systems currently in use by the division. Additionally, by March 2010, the executive shall provide an estimate of the cost and needs for the community corrections division management systems inclusion into the greater department of adult and juvenile detention five-year information technology strategic plan. The executive shall submit this cost estimate in the form of 11 copies with the clerk of the council, who shall retain the original and will forward copies to each councilmember and to the lead staff for the budget and fiscal management committee, or its successor.

P13 PROVIDED FURTHER THAT:

Of this appropriation, \$100,000 shall not be expended or encumbered until the executive transmits and the council receives a facility assessment report which shall be due to the council by June 30, 2010. The assessment report shall propose a Green River valley potential flooding mitigation strategy and funding

proposal that covers the next three to five years.

The report shall be transmitted in the form of fourteen copies with the clerk of the council, who shall retain the original, and distribute a copy 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 to the government accountability and oversight committee, or their successors.

P14 PROVIDED FURTHER THAT:

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

The report shall be transmitted in the form of 14 copies with the clerk of the council, who shall retain the original, and distribute a copy 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 to the government accountability and oversight committee, or their successors.

P15 PROVIDED FURTHER THAT:

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

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

- a. the responsible agency;
- b. the type of work;
- c. the vendor or activity, or both;
- d. the type of activity or contract, for example new or altered scope;

- e. a description of the activity or contract;
- f. the duration of the activity or contract;
- g. the projected dollar amount including identifying any need to access contingency funds;
- h. planned versus actual accomplishment rate;
- i. If applicable, the dollar amount in excess of appropriation, and
- j. If applicable, any modifications to previously reported contracts that changes the information

provided in prior reports.

2. The report shall be provided to the council in the form of an original and fourteen copies, which shall be filed with the clerk of the council, for 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.

P16 PROVIDED FURTHER THAT:

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

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

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.

P17 PROVIDED FURTHER THAT:

Of this appropriation, \$75,000 shall not be expended or encumbered until the executive submits to the council a proposal for a contract not to exceed eight months for an advisory animal disaster response incident command director to provide animal disaster response expertise, recommendations, planning and coordination in full cooperation with the king county office of emergency management and the council has reviewed and approved the proposal by motion. The advisory animal disaster response incident command director shall have experience as a animal disaster response incident command director, in accordance with the Federal National Incident Management system Appendix B, dated December 2008, in at least four nationally declared disasters, one of which must be in the state of Washington and have experience and training consistent with federal emergency management agency's comprehensive preparedness guidelines. The executive shall develop a work plan for the advisory animal disaster response incident command director, to more fully align the King County emergency plan for animals in the Howard Hanson dam and Green river flooding plan with the best standards, practices and concept of operations established by the Pierce county animal response team.

P18 PROVIDED FURTHER THAT:

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

The report shall be transmitted in the form of fourteen copies with the clerk of the council, who shall retain the original, and distribute a copy 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 to the government accountability and oversight committee, or their successors.

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

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

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

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

P1 PROVIDED THAT:

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

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

- a. the responsible agency;
- b. the type of work;
- c. the vendor or activity, or both;
- d. the type of activity or contract, for example new or altered scope;
- e. a description of the activity or contract;
- f. the duration of the activity or contract;
- g. the projected dollar amount including identifying any need to access contingency funds;

h. planned versus actual accomplishment rate;

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

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

2. The report shall be provided to the council in the form of an original and fourteen copies, which shall be filed with the clerk of the council, for 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.

P2 PROVIDED FURTHER THAT:

A Green River flood preparation contingency project is established to allow reprogramming flexibility needed to respond in a timely manner to events beyond the control of the county in preparation and response to the flooding related to the Howard Hanson dam. The executive shall use the appropriated versus actual, as well as projected expenditure data contained in biweekly reports to the council, which are required under Proviso P1 of this section, as a means of determining the need to use contingency funds.

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

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.

P3 PROVIDED FURTHER THAT:

1. The executive shall provide a report to the council by February 11, 2010, analyzing the options and recommending a strategy for providing emergency backup power for the South Treatment Plant in Renton in

the future. The analysis should address issues and variables including:

- a. providing backup power for the next three to five years or permanently;
- b. lease versus purchase of equipment;
- c. temporary versus permanent facilities;
- d. local, state and federal regulatory issues;
- e. wastewater treatment division budget impacts under various financing strategies;
- f. opportunities for partnering with other agencies or utilities; and
- g. opportunities for recouping or realizing revenues from emergency power backup investments

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

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

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