



Legislation Text

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Clerk 05/06/2015

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

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

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

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

D. Based on the foregoing facts, on March 28, 2014, the manager of the water and land resources division of the department of natural resources and parks, and the director of the department of natural resources and parks, issued a determination of emergency under K.C.C. chapter 12.52 and RCW 39.04.280, and subsequently sought and received a waiver of procurement procedures under CON 7-3-2, K.C.C. 2.93.080 and RCW 36.32.235, which is Attachment A to this ordinance.

E. Department of transportation road services division employees have experience from completing previous emergency pipe fabrication and pumping operations at Horseshoe lake and the ability to immediately

implement the necessary emergency action to prevent property damage.

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

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

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

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

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

SECTION 2. In accordance with RCW 36.32.235(12), the council hereby certifies that the flooding at Horseshoe lake created an emergency situation and certifies the total cost incurred to address the emergency to be three hundred twenty one thousand dollars, which was a necessary expenditure to prevent significant property damage, including to county facilities.