

KING COUNTY

1200 King County Courthouse 516 Third Avenue Seattle, WA 98104

Signature Report

November 9, 2011

Ordinance 17229

	Proposed No.	2011-0403.2	Sponsors Patterson
1		AN ORDINANCE relating to	definitions regarding
2		capital projects; and amending	Ordinance 12076,
3		Section 2, as amended, and K.	C.C. 4.04.020,
4		Ordinance 12076, Section 3, as	s amended, and
5		K.C.C. 4.04.030, Ordinance 71	59, Section 7, as
6		amended, and K.C.C. 4.04.210	, Ordinance 16764,
7		Section 2, and K.C.C. 4.04.245	, Ordinance 7159,
8		Section 13, as amended, and K	.C.C. 4.04.250 and
9		Ordinance 14482, Section 57, a	and K.C.C. 4.40.005.
10	BEIT	ORDAINED BY THE COUNC	CIL OF KING COUNTY:
11	SECTI	ON 1. Ordinance 12076, Sectio	on 2, as amended, and K.C.C. 4.04.020 are
12	each hereby an	nended to read as follows:	
13	The de	finitions in this section apply th	roughout this chapter unless the context
14	clearly require	s otherwise.	
15	A. ((<u>"</u> 4	Acquisition of right of way" or '	'land acquisition" means funds budgeted for
16	the purchase of	f property rights, excluding cou	nty force charges of the facilities
17	management d	ivision.)) "Acquisition phase"	means the time during which activities
18	associated with	n acquisition or surplus and sale	of real property, property rights or the

19 acquisition of improvements through direct purchase or capitalized lease agreements 20 occur. B. "Adopted" means approval by council motion or ordinance. 21 C. "Agency" means a county office, officer, institution whether educational, 22 correctional or other, department, division, board commission, except as otherwise 23 provided in this chapter. 24 D. "Allocation" means a part of a lump sum appropriation that is designated for 25 expenditure by either a specific organization unit or for specific purposes, or both. 26 E. "Allotment" means a part of an appropriation that may be encumbered or 27 28 expended during an allotment period. 29 F. "Allotment period" means a period of less than a fiscal year in length during which an allotment is effective. 30 G. "Allotment plan" means a fiscal management plan that divides a county 31 32 agency's program element budget into quarterly increments, reflecting the cyclical or 33 seasonal pattern of expenditures, for the purpose of identifying over and under 34 expenditures throughout the year. H. "Appropriations" means an authorization granted by the council to make 35 36 expenditures and to incur obligations for specific purposes. 37 I. "Appropriation ordinance" means the ordinance that establishes the legal level of appropriation for a fiscal year. 38 J. "Art" means funds budgeted for the one percent for art program under K.C.C. 39 chapter 4.40 or as otherwise provided by ordinance for a public art program. 40

41 K. "Budget" means a proposed plan of expenditures for a given period or purpose
42 and the proposed means for financing these expenditures.

L. "Budget detail plan" means the council's proposed spending plan for the operational budgets of all agencies detailed at the section level and attached to the adopted appropriation ordinance or as modified by the most-recent supplemental appropriation ordinance.

M. "Budget document" means a formal, written, comprehensive financial
program presented by the executive to the council, including an electronic database with
revenues and expenditures for all county agencies at the lowest organization levels and
all summary levels provided in the general ledger system, balanced to the financial plans
and the appropriation ordinance, fee ordinances, motions related to proposed levy rates to
comply with chapter 36.40 RCW and cost-of-living adjustment ordinance proposed by
the executive.

N. "Budget message" means a formal oral presentation by the executive to the council that explains the budget in terms of goals to be accomplished and how the budget relates to the Comprehensive Plan.

O. "Capital improvement plan" means a plan that establishes the capital
improvements required to implement an approved operational master plan. This plan
should extend over a minimum period of six years to define long-range capital
improvement requirements and the annual capital improvements budget for a user
agency.

62 1. The capital improvement plan shall include the following elements, where63 applicable:

64	a. general program requirements that define the development scope for specific
65	sites or facilities;
66	b. general space and construction standards;
67	c. prototype floor plans and prototype facility designs for standard
68	improvements;
69	d. space requirements based on the adopted county space plan;
70	e. initial, and life-cycle cost, of alternative facilities and locations including
71	lease and lease/purchase approaches;
72	f. approximate location of planned capital improvements;
73	g. general scope and estimated cost of infrastructure;
74	h. a schedule, that extends over a minimum of six years, for the
75	implementation of projects included in capital improvement plans, based on overall user
76	agency priorities and projected available revenue;
77	2. The user agency shall prepare the elements of the plan in subsection $((L.))$
78	\underline{O} .1. a, d, f and h of this section. The implementing agency shall prepare the elements of
79	this plan in subsection $((\underline{L},)) \underline{O}.1.$ b, c, e and g of this section.
80	3. The six-year budget schedule included in the capital improvement plan shall
81	be updated annually in conjunction with the capital budget adoption process.
82	P. "Capital project" means a project with a scope that includes one or more of the
83	following elements, all related to a capital asset: acquisition of either a site or existing
84	structure, or both; program or site master planning; design and environmental analysis;
85 -	construction; major equipment acquisition; reconstruction; demolition; or major
86	alteration. "Capital project" includes a: project program plan; scope; budget by ((task))

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87 <u>phase</u>; and schedule. The project budget((, conceptual design, detailed design,

88 environmental studies and construction elements)) and phases of a project shall be

89 prepared or managed by the implementing agency.

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Q. "CIP" means capital improvement program.

91 R. "CIP exceptions notification" means, except for major maintenance reserve fund, roads, solid waste, surface water management and wastewater CIP projects, a letter 92 filed with the clerk of the council for distribution to the chair of the budget and fiscal 93 management committee, or its successor committee, which describes changes to an 94 95 adopted CIP project's scope or schedule, or both, or total project cost and, with the 96 exception of schedule changes, shall be sent in advance of any action. For major 97 maintenance reserve fund CIP projects, "exceptions notification" means a letter filed with 98 the clerk of the council for distribution to the chair of the budget and fiscal management 99 committee, or its successor committee, that describes changes of fifteen percent or more to an adopted CIP project's scope or schedule, or both, or total project costs and, with the 100 101 exception of schedule changes, shall be sent in advance of any action. For road CIP 102 projects, "exceptions notification" means a letter filed with the clerk of the council for 103 distribution to the chair of the transportation committee, or its successor committee, that 104 describes changes of fifteen percent or more to an adopted CIP project's scope or 105 schedule, or both, or total project costs and, with the exception of schedule changes, shall 106 be sent in advance of any action. For wastewater, solid waste and surface water 107 management CIP projects, "exceptions notification" means a letter filed with the clerk of the council for distribution to the chair of the budget and fiscal management committee, 108 or its successor committee, and to the chair of the utilities committee, or its successor 109

110	committee, which describes changes of fifteen percent or more to an adopted CIP
111	project's scope or schedule, or both, or total project costs and, with the exception of
112	schedule changes, shall be sent in advance of any action.
113	S. "Close-out phase" means the time during which the administrative processes
114	and associated accounting activities to close out all contracts occurs. The close-out phase
115	follows final acceptance and may include multiyear monitoring.
116	(("Construction" means funds budgeted for CIP project construction including
117	contract construction, contract inspection and testing and, as appropriate, construction
118	tasks performed by county forces.
119	T. "Contingency" means funds budgeted for unanticipated CIP project costs
120	associated with any other project activities.
121	U. "Contracted design" or "preliminary engineering" means funds budgeted for
122	activities of a contract nature associated with all CIP project phases through bid
123	advertising. Included are contracts for feasibility studies, planning, studies, preliminary
124	design, construction drawings, bid specifications and on-site inspections.
125	V. "Cost elements" means CIP budgeting activities related to construction,
126	contracted design, preliminary engineering, acquisition of right of way, equipment and
127	furnishings, contingency, artistic furnishings, county force design, county force right of
128	way, project administration or other activities as provided by the council.
129	W_{-})) <u>T.</u> "Council" means the metropolitan King County council.
130	((X"County force design" means funds budgeted for CIP project design or
131	design review by county personnel.

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132	Y. "County force right of way" means funds budgeted for real property costs
133	associated with CIP-land acquisition.
134	\overline{Z} ;)) U. "Deficit" means the excess of expenditures over revenues during an
135	accounting period, or an accumulation of such excesses over a period of years.
136	((AA.)) <u>V.</u> "Director" means the director of the office of performance, strategy
137	and budget.
138	((BB. "Equipment and furnishings" means all costs for the purchase of equipment
139	and furnishings associated with CIP project construction.
140	((CC.)) \underline{W} . "Executive" means the King County executive, as defined by Article
141	3 of the King County Charter.
142	((DD.)) X. "Expenditures" means, where the accounts are kept on the accrual
143	basis or the modified accrual basis, the cost of goods delivered or services rendered,
144	whether paid or unpaid, including expenses, provisions for debt retirement not reported as
145	a liability of the fund from which retired, and capital outlays. Where the accounts are
146	kept on the cash basis, "expenditures" means actual cash disbursements for these
147	purposes.
148	((EE.)) Y. "Final design phase" means the time during which design is
149	completed, permits and other permissions are secured so that the project, or staged
150	elements of the project consistent with the project management plan, can proceed to
[.] 151	implementation. Final design phase also includes development of a final cost estimate,
152	plans, specifications and a bid package.
153	\underline{Z} . "Financial plan" means a summary by fund of planned revenues and
154	expenditures, reserves and undesignated fund balance.

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((FF.)) AA. "Fiscal period" means a calendar year or a biennium. 155 ((GG.)) BB. "Fund" an independent fiscal and accounting entity with a self-156 157 balancing set of accounts recording either cash or other resources, or both, together with related liabilities, obligations, reserves and equities that are segregated for the purpose of 158 carrying on specific activities or attaining certain objectives in accordance with special 159 regulations, restrictions or limitations. 160 ((HH.)) <u>CC.</u> "Fund balance" means the excess of the assets of a fund over its 161 liabilities and reserves except in the case of funds subject to budgetary accounting where, 162

before the end of a fiscal period, it represents the excess of the fund assets and estimated revenues for the period over its liabilities, reserves and appropriations for the fiscal 164 period. 165

((II.)) DD. "General facility major maintenance emergent need contingency 166 project" means an appropriation to provide contingent budget authority for emergent 167 168 needs within major maintenance reserve fund CIP projects.

((JJ-)) EE. "Implementation phase" means the time during which a project is 169

constructed or implemented. "Implementation phase" also includes the testing, 170

inspection, adjustment, correction and certification of facilities and systems to ensure that 171

the project performs as specified. The implementation phase begins with the notice to 172

proceed for the construction contract and ends with final acceptance of the project, unless 173

174 otherwise specified in grant or regulatory requirements.

FF. "Implementing agency" means the appropriate department and division 175 176 responsible for the administration of CIP projects.

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177 ((KK.)) <u>GG.</u> "Lapse" of an appropriation means an automatic termination of an
178 appropriation.

((LL.)) HH. "Major maintenance reserve fund CIP project" means any major 179 maintenance reserve fund CIP project that is allocated in the adopted six-year major 180 maintenance reserve fund CIP and is appropriated at the major maintenance reserve fund 181 level in accordance with K.C.C. 4.04.265 or is a high-risk project under K.C.C. 4.04.245. 182 183 ((MM.)) II. "Major widening project" means any roads CIP project adding at 184 least one through lane in each direction. 185 ((NN.)) JJ. "Object of expenditure" means a grouping of expenditures on the 186 basis of goods and services purchased, such as salary and wages. 187 ((OO.)) KK. "Open space non-bond fund project" means an open space project 188 that is allocated in the adopted six-year open space CIP and is appropriated at the open space non-bond fund number 3522 level in accordance with K.C.C. 4.04.300. 189 190 ((PP.)) LL. "Operational master plan" means a comprehensive plan for an agency 191 setting forth how the organization will operate now and in the future. An operational master plan shall include the analysis of alternatives and their life cycle costs to 192 accomplish defined goals and objectives, performance measures, projected workload, 193 194 needed resources, implementation schedules and general cost estimates. The operational 195 master plan shall also address how the organization would respond in the future to 196 changed conditions. ((QQ.)) MM. "Planning phase" means the time during which identification and 197

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development of project need and potential alternatives, evaluation of technical and

199	economic feasibility and development of a rough-order-of-magnitude total project cost
200	estimate occurs.
201	NN. "Preliminary design phase" means the time during which when evaluation
202	and analysis of potential project alternatives occurs, and the preferred alternative is
203	selected and designed sufficiently to establish a project baseline, at thirty to forty percent
204	design.
205	OO. "Program" means the definition of resources and efforts committed to
206	satisfying a public need. The extent to which the public need is satisfied is measured by
207	the effectiveness of the process in fulfilling the needs as expressed in explicit objectives.
208	((RR. "Project administration" means-funds budgeted for all county costs
209	associated with administering design and construction contracts on CIP projects.
210	SS.)) PP. "Project program plan" means a plan, primarily in written narrative
211	form, that describes the overall development concept and scope of work for a building,
212	group of buildings or other facilities at a particular site. The complexity of the project
213	program plan will vary based upon the size and difficulty of the program for a particular
214	site. When the plan includes projects that are phased over time, each phase shall have an
215	updated project program plan prepared by the user agency before project implementation.
216	The project program plan shall be prepared by the user agency with assistance from the
217	implementing agency. The program plan describes the user agency program
218	requirements for a specific building or site; provides the basis for these requirements; and
219	identifies when funds for the implementation of the capital projects will be provided.
220	The program plan shall elaborate on the general program information provided in the
221	operational master plan and the capital improvement plan. The plan shall also describe

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222	user agency programs, how these programs would fit and function on the site, and the
223	general recommendation of the user agency regarding the appearance of the building or
224	site. The plan shall indicate when a site master plan is required for a project.
225	((TT.)) QQ. "Public need" means those public services found to be required to
226	maintain the health, safety and well-being of the general citizenry.
227	((UU-)) <u>RR.</u> "Quarterly management and budget report" means a report prepared
228	quarterly by the director for major operating and capital funds, that:
229	1. Presents executive revisions to the adopted financial plan or plans;
230	2. Identifies significant deviations in agency workload from approved levels;
231	3. Identifies potential future supplemental appropriations with a brief discussion
232	of the rationale for each potential supplemental;
233	4. Identifies significant variances in revenue estimates;
234	5. Reports information for each appropriation unit on the number of filled and
235	vacant full-time equivalent and term-limited temporary positions and the number of
236	temporary employees;
237	6. Includes the budget allotment plan information required under K.C.C.
238	4.04.060; and
239	7. Describes progress towards transitioning potential annexation areas to cities.
240	((VV)) <u>SS.</u> "Reappropriation" means authorization granted by the council to
241	expend the appropriation for the previous fiscal year for capital programs only.
242	((WW.)) <u>TT.</u> "Regulations" means the policies, standards and requirements,
243	stated in writing, designed to carry out the purposes of this chapter, as issued by the
244	executive and having the force and effect of law.

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245	((XX)) <u>UU.</u> "Revenue" means the addition to assets that does not increase any
246	liability, does not represent the recovery of an expenditure, does not represent the
247	cancellation of certain liabilities on a decrease in assets and does not represent a
248	contribution to fund capital in enterprise and intragovernmental service funds.
249	((YY)) <u>VV.</u> "Roads CIP project" means roads capital projects that are allocated
250	in the adopted six-year roads CIP and are appropriated at the roads CIP fund level in
251	accordance with K.C.C. 4.04.270 or a high-risk project under K.C.C. 4.04.245.
252	((ZZ.)) <u>WW.</u> "Scope change" means, except for major maintenance reserve fund,
253	roads, solid waste, surface water management and wastewater CIP projects, that a CIP
254	project's total project cost increases by ten percent or by fifty thousand dollars, whichever
255	is less. For major maintenance reserve fund, roads, solid waste, surface water
256	management or wastewater CIP projects, "scope change" means the total project cost
257	increases by fifteen percent.
258	((AAA.)) XX. "Section" means an agency's budget unit comprised of a particular
259	project, program or line of business as described in Ordinance 16445, Section 5, for the
260	2010 budget or for all subsequent budgets as described in the budget detail plan for the
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262	previous fiscal period as attached to the adopted appropriation ordinance or as modified
	by the most-recent supplemental appropriation ordinance. This definition is not intended
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	by the most-recent supplemental appropriation ordinance. This definition is not intended
263	by the most-recent supplemental appropriation ordinance. This definition is not intended to create an organizational structure for any agency.

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267	1. The site master plan shall include preliminary information regarding, at a
268	minimum:
269	a. site analysis, including environmental constraints;
270	b. layout, illustration and description of all capital improvements;
271	c. project scopes and budgets;
272	d. project phasing; and
273	e. operating and maintenance requirements.
274	2. The site master plan shall be approved by the user agency and the
275	implementing agency before submittal to the executive and council for approval.
276	((CCC.)) ZZ. "Solid waste CIP project" means a solid waste project that is
277	allocated in the adopted six-year solid waste CIP and is appropriated at the solid waste
278	CIP fund level in accordance with K.C.C. 4.04.273 or is a high-risk project under K.C.C.
279	4.04.245.
280	((DDD-)) AAA. "Surface water management CIP project" means a surface water
281	management project that is allocated in the adopted six-year surface water management
282	CIP and is appropriated at the surface water management CIP fund level in accordance
283	with K.C.C. 4.04.275 or is a high-risk project under K.C.C. 4.04.245.
284	((EEE.)) BBB. "User agency" means the appropriate department, division, office
285	or section to be served by any proposed CIP project.
286	((FFF.)) CCC. "Wastewater asset management projects" means the wastewater
287	capital projects identified and intended by the wastewater treatment division to extend
288	and optimize the useful life of wastewater treatment assets, including facilities, structures,
289	pipelines and equipment.

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290	((GGG.)) DDD. "Wastewater CIP project" means wastewater capital projects that
291	are allocated in the adopted six-year wastewater CIP and are appropriated at the
292	wastewater CIP fund level in accordance with K.C.C. 4.04.280 or is a high-risk project
293	under K.C.C. 4.04.245.
294	SECTION 2. Ordinance 12076, Section 3, as amended, and K.C.C. 4.04.030 are
295	each hereby amended to read as follows:
296	The budget documents shall include, but not be limited to, data specified in this
297	chapter.
298	A. The budget shall set forth the complete financial plan for the ensuing fiscal
299	year showing planned expenditures and the sources of revenue from which they are to be
300	financed. For each fund, the expenditures included in the budget for the ensuing fiscal
301	year shall not exceed the estimated revenues as forecast under K.C.C. 2.140.070,
302	including reserves.
303	1. The budget document shall include the following:
304	a. estimated revenue by fund and by source from taxation;
305	b. estimated revenues by fund and by source other than taxation;
306	c. actual receipts for first six months, January 1 through June 30, of the current
307	fiscal year;
308	d. actual receipts for the last completed fiscal year by fund and by source;
309	e. estimated fund balance or deficit for current fiscal year by fund; and
310	f. operational budget details for all agencies at the section level unless noted by
311	the executive and accompanied with an explanation of the change;

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312	g. such additional information dealing with revenues as the executive and
313	council shall deem pertinent and useful;
314	h. tabulation of expenditures in a comparable form by fund, program project or
315	object of expenditure for the ensuing fiscal year;
316	i. actual expenditures for the first six months, January 1 through June 30, of the
317	current year;
318	j. actual expenditures for the last completed fiscal year;
319	k. the appropriation for the current year; and
320	1. such additional information dealing with expenditures as the executive and
321	council shall deem pertinent and useful.
322	2. All capital improvement projects and appropriations shall be authorized only
323	by inclusion in the annual council adopted CIP or any amendment thereto. A bond
324	ordinance is not an appropriation for capital projects. The capital improvement section of
325	the budget shall include:
326	a. estimated expenditures for at least the next six fiscal years by program;
327	b. expenditures planned for current, pending, or proposed capital projects
328	during the fiscal year, classified according to proposed source of funds whether from
329	bonds, or any combination of other local, state, federal and private sources;
330	c. an alphabetic index to enable quick location of any project contained in the
331	budget;
332	d. a discrete number for each project that shall serve to identify it within the
333	capital budget document and all accounting reports;

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334	e. estimated net annual operating costs associated with each project upon
335	completion or in cases where operating costs are negligible or incalculable, a statement to
336	that effect;
337	f. an identification of all CIP projects by council district in which they are
338	located;
339	g. CIP projects funded in the budget year, which shall be presented in separate
340	sections of the budget.
341	(1) Major maintenance reserve fund CIP projects shall be presented in the
342	six-year general CIP program.
343	(2) Except for high-risk projects under K.C.C. 4.04.245, the appropriation for
344	major maintenance reserve fund CIP projects shall be made at the major maintenance
345	reserve fund level in accordance with K.C.C. 4.04.265.
346	(3) Roads CIP projects shall be presented in the six-year road CIP program
347	(4) Except for high risk projects under K.C.C. 4.04.245, the appropriation for
348	roads CIP projects shall be made at the roads CIP fund level in accordance with K.C.C.
349	4.04.270.
350	(5) Wastewater CIP projects shall be presented in the six-year wastewater
351	CIP program.
352	(6) Except for high-risk projects under K.C.C. 4.04.245, the appropriation for
353	wastewater CIP projects shall be made at the wastewater CIP fund level in accordance
354	with K.C.C. 4.04.280.
355	(7) Surface water management CIP projects shall be presented in the six-year
356	surface water management CIP program.

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357	(8) Except for high-risk projects under K.C.C. 4.04.245, the appropriation for
358	surface water management CIP projects shall be made at the surface water management
359	CIP fund level in accordance with K.C.C. 4.04.275;
360	(9) Solid waste CIP projects shall be presented in the six-year solid waste CIP
361	program;
362	(10) Except for high-risk projects under K.C.C. 4.04.245, the appropriation
363	for solid waste CIP projects shall be made at the solid waste CIP fund level in accordance
364	with K.C.C. 4.04.273; and
365	(11) The technology business plan in accordance with K.C.C. 2.16.0757.
366	h. in addition to schedule requirements, a statement of purpose and estimated
367	total cost for each project for which expenditures are planned during the ensuing fiscal
368	year;
369	i. the original project cost estimate which shall remain fixed from year to year.
370	This original cost estimate shall be included in the capital budget document. A project
371	record, separate from the budget document, shall be provided that identifies the original
372	project cost estimate and any subsequent changes to the original project cost estimate by
373	((cost element)) project phase and revenue source as approved in the budget document or
374	any amendment to the budget;
375	j. an enumeration of revised project cost estimates;
376	k. funds actually expended for projects as of June 30 of the current year;
377	l. funds previously authorized for the project;
378	m. anticipated specific ((cost elements)) project phases within each project.
379	However, the executive is authorized to transfer funds between specific activities within

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380	the same project only if these transfers will not result in a necessary increase to the total
381	project budget. A scope change of a project constitutes a revision.
382	(1) A CIP project scope change shall be included in the CIP exceptions
383	notification if total project costs increase by ten percent or by fifty thousand dollars,
384	whichever is less; or if the schedule deviates by three months.
385	(2) For parks CIP projects, a CIP exceptions notification shall be filed with
386	the clerk of the council in advance of action for distribution to the chair of the budget and
387	fiscal management committee, or its successor committee, when fifty thousand dollars or
388	more or funds in excess of ten percent of total project costs, whichever is less, are to be
389	transferred from a contingency project to a CIP project.
390	(3) For major maintenance reserve fund CIP projects, a CIP exceptions
391	notification shall be filed with the clerk of the council in advance of action for
392	distribution to the chair of the budget and fiscal management committee, or its successor
393	committee, when moneys in excess of fifteen percent of the total major maintenance
394	reserve fund CIP project costs are to be transferred from the general facility major
395	maintenance emergent need contingency project.
396	(4) For roads CIP projects, a CIP exceptions notification shall be filed with
397	the clerk of the council in advance of action for distribution to the chair of the
398	transportation committee, or its successor committee, when contingency funds in excess
399	of fifteen percent of total project costs are to be transferred.
400	(5) For solid waste, surface water management and wastewater CIP projects,
401	a CIP exceptions notification shall be filed with the clerk of the council in advance of
402	action for distribution to the chair of the budget and fiscal management committee, or its

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403	successor committee, and chair of the utilities committee, or its successor committee,
404	when contingency funds in excess of fifteen percent of total project costs are to be
405	transferred;
406	n. individual allocations by ((cost element)) project phase for each capital
407	project; and
408	o. when a single fund finances both operating expenses and capital projects,
409	there shall be separate appropriations from the fund for the operating and the capital
410	sections of the budget.
411	B.1. The budget message shall explain the budget in fiscal terms and in terms of
412	goals to be accomplished and shall relate the requested appropriation to the
413	Comprehensive Plan of the county.
414	2. The total proposed expenditures shall not be greater than the total proposed
415	revenue.
416	3. If the estimated revenues in the current expense, special revenue or debt
417	service funds for the next ensuing fiscal period, together with the fund balance for the
418	current fiscal period exceeds the applicable appropriations proposed by the executive for
419	the next ensuing fiscal period, the executive shall include in the budget document
420	recommendations for the use of the excess for the reduction of indebtedness, for the
421	reduction of taxation or for other purposes as in his or her discretion shall serve the best
422	interests of the county.
423	4. If, for any applicable fund, the estimated revenues for the next ensuing period
424	plus fund balance shall be less than the aggregate of appropriations proposed by the

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425 executive for the next ensuing fiscal period, the executive shall include in the budget

426	document his or her proposals as to the manner in which the anticipated deficit shall be
427	met, whether by an increase in the indebtedness of the county, by imposition of new
428	taxes, by increase of tax rate or in any like manner.
429	C.1. Justification for revenues and expenditures shall be presented in detail when
430	necessary to explain changes of established practices, unique fiscal practices and new
431	sources of revenue or expenditure patterns or any data the executive considers useful to
432	support the budget. The following elements shall be included:
433	a. nonbudgeted departments and programs expenditures and revenues; that is,
434	intragovernmental service funds;
435	b. historical and projected agency workload information; and
436	c. a brief explanation of existing and proposed new programs, as well as the
437	purpose and scope of agency activities.
438	2. Capital improvement program data shall include, but not be limited to, the
439	streets and highway programming process, which shall specify priorities, guide route
440	establishments, select route design criteria and provide detailed design information for
441	each road or bridge project.
442	D.1. The department of executive services shall submit a request for CIP project
443	funding, which shall specify project funding levels on a project-by-project basis, but
444 [.]	which shall be appropriated at the major maintenance reserve fund CIP fund level, stated
445	as an aggregate of individual projects for the budget year in question in accordance with
446	K.C.C. 4.04.266. High-risk projects under K.C.C. 4.04.245 shall be funded as provided
447	in K.C.C. 4.04.245.

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- 2. The council may require other data from the department of executive services
 that the council considers necessary for review of the budget, which may include objects
 of expenditure and other expenditures categories.
- E.1. The department of transportation shall submit a request for CIP project
 funding, which shall specify project funding levels on a project-by-project basis, but
 which shall be appropriated at the road CIP fund level, stated as an aggregate of
 individual projects for the budget year in question in accordance with K.C.C. 4.04.270.
 High-risk projects under K.C.C. 4.04.245 shall be funded as provided in K.C.C. 4.04.245.
- 2. The council may require other data from the department of transportation that
 the council considers necessary for review of the budget, which may include objects of
 expenditure and other expenditures categories.
- 459 F.1. The department of natural resources and parks shall submit a request for CIP project funding, which shall specify project funding levels on a project-by-project basis, 460 461 but which shall be appropriated at the wastewater CIP fund level, stated as an aggregate 462 of individual projects, including subprojects, for the budget year in question in accordance with K.C.C. 4.04.280. Except for multivear construction contracts and 463 464 carryover amounts approved during the annual CIP reconciliation process, appropriations shall be for one year. All construction contracts including multivear construction 465 contracts shall be appropriated for the full construction amount in the first year. Any 466 multiyear construction contracts longer than three years must be specifically identified in 467 the wastewater CIP budget request. The request for CIP project funding for wastewater 468 asset management shall include categories of wastewater asset management projects. 469 470 Wastewater asset management projects shall be appropriated annually at the category

471 level. The executive-proposed CIP shall allocate anticipated expenditures for each 472 wastewater asset management project category as part of the six-year wastewater CIP. 473 For each category, a proposed project list will be appended. High-risk projects under 474 K.C.C. 4.04.245 shall be funded as provided in K.C.C. 4.04.245. 475 2. The council may require other data from the department of natural resources and parks that the council considers necessary for review of the budget, which may 476 477 include objects of expenditures and other expenditures categories. 478 G.1. The department of natural resources and parks shall submit a request for CIP 479 project funding, which shall also specify project funding levels on a project-by-project 480 basis but which shall be appropriated at the surface water management CIP fund level. 481 states as an aggregate of individual projects, including subprojects, for the budget year in 482 question in accordance with K.C.C. 4.04.275. Except for multiyear construction 483 contracts and carryover amounts approved during the annual CIP reconciliation process, appropriations shall be for one year. All construction contracts including multivear 484 construction contracts shall be appropriated for the full construction amount in the first 485 year. Any multiyear construction contracts longer than three years must be specifically 486 identified in the surface water management CIP budget request. High-risk projects under 487 488 K.C.C. 4.04.245 shall be funded as provided in K.C.C. 4.04.245. 2. The council may require from the department of natural resources and parks 489 490 other data that the council considers necessary for review of the budget, which may 491 include objects of expenditure and other expenditures categories. High-risk projects

under K.C.C. 4.04.245 shall be funded as provided in K.C.C. 4.04.245.

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493	H.1. The department of natural resources and parks shall submit a request for CIP
494	project funding, which shall also specify project funding levels on a project-by-project
495	basis but which shall be appropriated at the solid waste CIP fund level, states as an
496	aggregate of individual projects, including subprojects, for the budget year in question in
497	accordance with K.C.C. 4.04.273. Except for a multiyear construction contracts and
498	carryover amounts approved during the annual CIP reconciliation process, appropriations
499	shall be for one year. All construction contracts including multiyear construction
500	contracts shall be appropriated for the full construction amount in the first year. Any
501	multiyear construction contracts longer than three years must be specifically identified in
502	the solid waste CIP budget request. High-risk projects under K.C.C. 4.04.245 shall be
503	funded as provided in K.C.C. 4.04.245.
504	2. The council may require from the department of natural resources and parks
505	other data that the council considers necessary for review of the budget, which may
506	include objects of expenditure and other expenditures categories.
507	SECTION 3. Ordinance 7159, Section 7, as amended, and K.C.C. 4.04.210 are
508	each hereby amended to read as follows:
509	The council shall review, amend, defer or adopt operational master plans, facility
510	master plans, facility program plans, CIP project ((cost elements)) phases, schedules and
511	total budget in the annual CIP budget or amendments thereto pursuant to the provisions
512	of the King County Charter.
513	SECTION 4. Ordinance 16764, Section 2, and K.C.C. 4.04.245 are each hereby
514	amended to read as follows:

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515 A. For the purposes of this section:

516 1. "Capital projects oversight program" means the function within the King 517 County auditor's office to oversee King County's large capital construction projects that 518 was initially funded within the 2007 annual budget: 519 2. "Earned value management" means an analysis of how much has been accomplished on a capital project to date compared to the project's planned scope, 520 schedule and cost. It includes a plan that identifies work to be accomplished, a valuation 521 522 of planned work, and predefined earning rules that quantify how to measure the 523 accomplishment of work: 524 3. "Eligible capital project" means a capital project as defined in K.C.C. 525 4.04.020, except it does not include information technology projects, transit acquisitions, 526 affordable housing and community development projects that are developed and managed by noncounty entities, energy savings performance contracts or lease-based projects: 527 4. "Estimate at completion" means a forecast of cost and time to complete a 528 project. The estimate at completion includes the amount of cost and time incurred to date 529 plus remaining forecasted cost and time; 530 531 5. "High-risk project" means an eligible capital project with characteristics that increase its likelihood of being completed late or over budget at a potentially significant 532 533 financial cost or other significant impact to the county. Whether an eligible capital project is a high-risk project shall be determined by the process in subsection C. of this 534 section; 535 6. "Joint advisory group" means the real estate and major capital project review 536

537 joint advisory group created in K.C.C. chapter 4.06;

7. "Lease-based project" means a project where a lease-purchase or leaseleaseback agreement is proposed, pursuant to chapter 35.42 RCW, that transfers
construction risk to a developer or not-for-profit intermediary and provides the
contractual basis for obtaining funding from a third party to finance construction of the
project;

8. "Project baseline" means the scope, schedule and budget set at the conclusion
of the preliminary design phase when the preferred alternative has been selected and
design has progressed adequately to make reasonable and informed commitments, at
thirty to forty percent design. Project baseline is used as a basis for variance reporting
and performance measurement;

9. "Project management plan" means a formal document that defines how the
project is executed, monitored and controlled. The objective of the project management
plan is to define the approach and schedule to be used by the project team to deliver the
intended project scope.

10. "Risk register" means a document that identifies potential events that could
impact cost, schedule, or scope. The document formulates plans for addressing those
risks.

11. "Rough order of magnitude cost estimate" means an early cost estimate
based on approximate cost models; and

12. "Total project cost estimate" means the estimated project cost from the start
of planning through project closeout. If the project has a range of potential project costs,
the total project cost estimate is the highest cost in the range.

560	B.1. For any eligible capital project with a total project cost estimate of over ten
561	million dollars, the executive shall transmit risk score results to the joint advisory group
562	each year in accordance with the process identified in subsection C.1. of this section
563	under the following circumstances:
564	a. the appropriation request for the project will be over two hundred thousand
565	dollars or the appropriation request plus the project's prior appropriations will collectively
566	exceed two hundred thousand dollars;
567	b. the project has not yet had a high-risk determination from the joint advisory
568	group that was made after setting the project baseline; and
569	c. the project has not entered the ((construction)) implementation phase.
570	2. The high-risk determination by the joint advisory group shall be made in
571	accordance with the process outlined in subsection C. of this section.
572	3. High-risk projects shall provide supporting data in accordance with the
573	requirements of subsections F. through H. of this section beginning with the next phase
574	for which appropriation authority is requested.
575	C.1. The capital projects oversight program shall develop a risk scoring
576	instrument for assessing whether an eligible capital project is a high-risk project. The
577	instrument shall be submitted to the joint advisory group for its approval.
578	2. The risk scoring instrument shall be used by the implementing agency to
579	generate a risk score for all projects that are required to be scored under subsection B.1.
580	of this section.
581	3. The risk scoring instrument shall use information such as complexity of
582	regulatory requirements, interdependencies with other projects and programs, schedule

constraints, implementing agency resources, project delivery method, complexity of 583 property acquisition issues, public impact, risks inherent to the likely construction 584 technology, or any other issues that could have a significant impact on the ability of the 585 586 project to meet baseline scope, schedule or budget.

587 4. The implementing agency director shall ensure that the risk scoring has been completed by qualified staff who does not report to the project manager, to anyone who 588 reports to the project manager, or to anyone to whom the project manager directly 589 590 reports.

5. By March 1, the executive shall electronically transmit all risk score results 591 for eligible capital projects that require a risk score that year to the clerk of the council. 592 who will retain an electronic copy and distribute electronic copies to the manager of the 593 capital projects oversight program and the co-chairs of the joint advisory group or their 594 595 designees, except that scoring results for eligible capital projects that received 596 appropriations in 2010 shall be transmitted to the clerk of the council by July 31, 2010. 6. By the end of the first quarter of each year, or by the end of the third quarter 597 598 in the year in which this ordinance is enacted, the joint advisory group, in consultation with the capital projects oversight program and using the risk scores for guidance, shall 599 determine which projects for which it has received risk scores are high-risk projects. The 600 601 joint advisory group may change the risk status of any of those projects when the joint 602 advisory group receives an updated risk score.

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7. The capital projects oversight program may recommend to the joint advisory group changes to the risk scoring instrument, but a new risk scoring instrument may be 604

used only if the joint advisory group approves the instrument and provides an effectivedate for agency use of the instrument.

8. The joint advisory group shall file an electronic list of all eligible capital projects for which it has changed the high-risk status designation, including risk score and change in high-risk status, with the clerk of the council who will retain an electronic copy and distribute electronic copies to the chair of the budget and fiscal management committee or its successor and the manager of the capital projects oversight program.

612 9. Each agency or department that has at least one eligible capital project with a
613 total project cost estimate of over ten million dollars should have at least one project
614 designated as a high-risk project by the joint advisory group.

10. The executive may designate any eligible capital project as a high-risk
project by letter or the council may designate any eligible capital project as a high-risk
project by motion. Thirteen copies of the letter or motion shall be filed with the clerk of
the council for distribution to all councilmembers, the co-chairs of the joint advisory
group or their designees and the manager of the capital projects oversight program.

D. For purposes of identifying when an eligible capital project has entered a
particular phase and when subsections F. through H. of this section apply, phases include
preliminary design, <u>final</u> design((, construction)) and close-out, and the following
characteristics shall be used as a guide:

The preliminary design phase is when evaluation and analysis of potential
 project alternatives occurs. Based on analysis, the preferred alternative is selected and
 designed sufficiently to establish a project baseline, at thirty to forty percent design.
 Activities requiring long lead times, such as ((land)) acquisition or permitting may be

628 initiated during this phase. Some planning activities may occur prior to the preliminary629 design phase;

630 2. The design phase is the time during which design is completed, permits and other permissions are secured, and necessary land, rights-of-way, and easements are 631 632 acquired so that the project (or staged elements of the project consistent with the project 633 management plan) can proceed to ((construction)) implementation. The design phase also includes development of a cost estimate, plans, specifications and a bid package. It 634 635 is expected that the range of uncertainty associated with project cost estimates decreases as the design progresses. Activities to procure materials and equipment that require long 636 637 lead times may be initiated during this phase. For projects with alternative delivery methods, such as general contractor-construction manager projects, the design phase may 638 639 include some construction activities that occur before completion of project plans and specifications: 640

3. The ((construction)) implementation phase is the time during which the
project is ((constructed or)) implemented. This also includes the testing, inspection,
adjustment, correction and certification of facilities and systems to ensure that the project
performs as specified. The ((construction)) implementation phase ends with final
acceptance of the project; and

4. Close-out follows final acceptance and consists of administrative processes
and associated accounting activities to close out all contracts. It may include multi-year
monitoring. It should comprise no more than three percent of the total project cost.

E.1. When submitting a capital budget appropriation ordinance or an additionalor amended capital budget appropriation ordinance to the council that includes an

appropriation for a high-risk project, the executive shall submit supporting data as
identified in subsections F. through H. of this section. For any item required by
subsections F. through H. of this section that the executive does not provide with the
appropriation request, the executive shall provide a detailed explanation of why it cannot
be provided and, if the item is to be provided later, identify the date by which the item
will be provided.

657 2. For some eligible capital projects, one or more phases may run concurrently,
658 such as projects requiring staged construction due to site constraints or operational needs,
659 or performed under a declaration of emergency. Some nonconstruction eligible capital
660 projects, such as land acquisition, may not utilize all of the capital project phases.

a. When submitting a capital budget appropriation ordinance or an additional 661 662 or amended capital budget appropriation ordinance to the council where the appropriation 663 request encompasses work performed in more than one phase of a high-risk project, not including the close-out phase, the executive shall submit as supporting data an 664 explanation of the cost and schedule factors necessitating appropriation for more than one 665 666 phase. The executive shall also submit as supporting data a schedule for reporting those supporting items required by subsections F. through H. to the council. The schedule and 667 668 items to be reported shall match milestones identified in the project management plan. 669 The reports shall be filed with the clerk of the council for distribution to the chair of the budget and fiscal management committee or its successor. 670

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b. The council should consider placing expenditure restrictions upon the appropriation that release funds contingent upon appropriate further action.

673	F. When submitting a capital budget appropriation ordinance or an additional or
674	amended capital budget appropriation ordinance to the council that encompasses work
675	performed in the preliminary design phase of a high-risk project, the appropriation
676	request may include up to ten percent of the funding for the design phase. The executive
677	shall, in addition to the requirements of K.C.C. 4.04.247, provide the following
678	supporting data:
679	1. Identify design criteria;
680	2. Provide an estimate of preliminary design costs, start and end dates for the
681	preliminary design phase, and a rough order of magnitude cost estimate, which may be
682	expressed as a range, for design and ((construction)) implementation phases;
683	3. Provide a planned schedule that shows the anticipated start and finish dates
684	for each major task for the preliminary design phase, and for the final design and
685	((construction)) the implementation phases, provide the anticipated start and finish dates
686	for major work through completion;
687	4. Identify stakeholders;
688	5. Identify regulatory requirements and highlight any regulatory requirements
689	that increase project risk; and
690	G. When submitting a capital budget appropriation ordinance or an additional or
691	amended capital budget appropriation ordinance to the council that encompasses work
692	performed in the design phase of a high-risk project, the executive shall, in addition to the
693	requirements of K.C.C. 4.04.247, provide the following supporting data:

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- Describe the alternatives considered, including a summary of life-cycle cost
 analysis performed for feasible alternatives progressing to further design, and identify the
 recommended alternative or alternatives with detailed scope description;
- 697 2. Provide a summary of the results of a formal schedule and cost risk
 698 assessment conducted by an external consultant or staff who does not report to the project
 699 manager, to any person who reports to the project manager, or to anyone to whom the
 700 project manager directly reports;

3. Provide the project baseline, if set by the time of the appropriation request;
4. Certify that the implementing agency completed a cost estimate validation
process to provide an independent evaluation of the project's cost estimates using an
external consultant or staff who does not report to the project manager, to any person who
reports to the project manager, or to anyone to whom the project manager directly
reports;

5. Certify that significant progress has been made in environmental review and
public outreach, identify steps remaining in the environmental review process, and
summarize major issues;

6. Identify permits, acquisitions, and relocations, address mitigations, and
highlight any of these that increase project risk to scope, schedule or budget;

- 712 7. Certify that application for external funding has begun, if applicable; and
 713 8. For projects with alternative delivery methods that contemplate a need for
 714 early construction costs, provide an explanation of the need.
- H.1. When submitting a capital budget appropriation ordinance or an additional
 or amended capital budget appropriation ordinance to the council that encompasses work

717	performed in the construction phase of a high-risk project, the executive shall, in addition
718	to the requirements of K.C.C. 4.04.247, provide the following supporting data:
719	a. certify that plans, specifications, estimates and contract documents reflect a
720	level of design completion that is sufficient to support a final cost estimate and schedule
721	for proceeding to procurement and specify the ready date for proceeding with the selected
722	procurement method for the project;
723	b. certify that all required nonconstruction permits are in place in accordance
724	with the project management plan or provide status of pending approvals and the
725	expected date of receipt;
726	c. certify that all land acquisition, lease documents, and partnership agreements
727	are in place in accordance with the project management plan or provide status of pending
728	actions and expected date of receipt; and
729	d. certify that the implementing agency completed a cost estimate validation
730	process to provide an independent evaluation of the project's cost estimates using an
731	external consultant or staff who does not report to the project manager, to any person who
732	reports to the project manager, or to anyone to whom the project manager directly
733	reports.
734	2. The executive shall provide quarterly reports during the construction phase of
735	a high-risk project. The quarterly report shall address performance relative to project
736	baseline, highlight any significant variance from project baseline, summarize the top risks
737	in the risk register, summarize change orders, explain change orders that have the
738	cumulative potential to carry the project over project baseline and summarize the results
739	of the latest earned value analysis. Five copies of each report shall be filed with the clerk

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740	of the council, who shall retain a copy and distribute copies to the chair of the budget and
741	fiscal management committee or its successor, the co-chairs of the joint advisory group or
742	their designees and the manager of the capital projects oversight program.
743	I.1. The implementing agency shall establish and maintain a risk register for each
744	high-risk project. The risk register shall be developed consistent with industry standards.
745	2. The implementing agency shall update the risk register at least quarterly, or
746	more frequently should significant changes or additions be identified by the
747	implementing agency.
748	J.1. The implementing agency shall employ earned value management on high-
749	risk projects to forecast unfavorable variations in final project cost or completion date,
750	based on progress to date.
751	2. Agencies shall apply earned value management tools and methods to the
752	design and construction phases. The earned value management tools and methods, and
753	the format and level of detail reported, shall be appropriate for the phase of the project
754	and the associated level of certainty regarding cost and schedule estimates. Tools for
755	earned value management may include forecasting estimate at completion for design
756	phase and use of earned value analysis for the construction phase.
757	3. The analysis shall be updated at least monthly.
758	SECTION 5. Ordinance 7159, Section 13, as amended, and K.C.C. 4.04.250 are
759	each hereby amended to read as follows:
760	A. All CIP appropriation requests from the executive shall include project
761	schedule information for ((land)) the acquisition phase, design phases and construction
762	phase for each project. All CIP projects involving county staff shall include estimated

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763	number of county staff hours in the ensuing fiscal year for each ((county force)) project
764	((cost element)) phase. The estimated schedule, with beginning and ending dates for
765	each of these ((cost elements)) project phases, shall be listed by month.
766	B. The requirements in subsection A of this section do not apply to
767	reprogramming appropriations for:
768	1. The major maintenance reserve fund CIP being made at the major
769	maintenance reserve fund level and major maintenance reserve fund CIP projects being
770	reprogrammed, all in accordance with K.C.C. 4.04.265; and
771	2. The roads CIP being made at the roads CIP fund level, and roads projects
772	being reprogrammed, all in accordance with K.C.C. 4.04.270 and
773	3. The solid waste, surface water management and wastewater CIPs being made
774	at the solid waste, surface water management and wastewater CIP fund levels, and solid
775	waste, surface water management and wastewater CIP projects being reprogrammed, all
776	in accordance with K.C.C. 4.04.273, 4.04.275 and 4.04.280.
777	SECTION 6. Ordinance 14482, Section 57, and K.C.C. 4.40.005 are each hereby
778	amended to read as follows:
779	((Words in this chapter have their ordinary and usual meanings except those
780	defined in this section, which have, in addition, the following meanings. If there is
781	conflict, the specific definitions in this section shall-presumptively, but not conclusively,
782	prevail.)) The definitions in this section apply throughout this chapter unless the context
783	clearly requires otherwise.
784	A. (("Acquisition" or "county force acquisition" means the purchase of parcels of
785	land, existing buildings, and structures, and costs incurred by the county for the

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786	appraisals or negotiations in connection with such a purchase.)) "Acquisition phase"
787	means the phase in which activities associated with acquisition or surplus and sale of real
788	property, property rights or the acquisition of improvements through direct purchase or
789	capitalized lease agreements occur. This phase typically runs at the same time as the
790	final design phase or the preliminary design phase, as defined in K.C.C. 4.04.020.
791	B. "Arts and cultural development fund" means the special revenue fund
792	established in K.C.C. 4.08.190 to receive and transfer to the cultural development
793	authority a variety of revenues including, but not limited to, public art revenues.
794	C. "Client department" means the county department, division or office
795	responsible for construction or custodial management of a facility or capital improvement
796	project after construction is complete.
797	D. "County force" means work or services performed by county employees.
798	E. "Cultural development authority" or "authority" means the cultural
799	development authority of King County established under K.C.C. chapter 2.49.
800	F. "Equipment and furnishings" means any equipment or furnishings that are
801	portable and of standard manufacture. "Equipment" does not mean items that are custom
802	designed or that create a new use for the facility, whether portable or affixed.
803	G. "Public art fund" means the fund established in K.C.C. 4.08.185.
804	H. "Public art program" means the county program administered and
805	implemented by the cultural development authority that includes the works and thinking
806	of artists in the planning, design and construction of facilities, buildings, infrastructure
807	and public spaces to enhance the physical environment, mitigate the impacts of county

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- 808 construction projects, and enrich the lives of county residents through increased
- 809 opportunities to interact with art.
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Ordinance 17229 was introduced on 10/3/2011 and passed as amended by the Metropolitan King County Council on 11/9/2011, by the following vote:

Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague, Ms. Patterson, Ms. Lambert, Mr. Ferguson, Mr. Dunn and Mr. McDermott No: 0 Excused: 0

Larry Gossett, Chair

KING COUNTY COUNCIL KING COUNTY, WASHINGTON

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this **18** day of **NoveriBER**, 2011.

RECEIVED

Dow Constantine, County Executive

Attachments: None