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Title: AN ORDINANCE related to county leases and agreements for personal or real property; requiring council approval of certain real property leases and agreements, making technical corrections; and amending Ordinance 12045, Section 23, as amended, and K.C.C. 4.04.040.

Sponsors: Bob Ferguson

Indexes: Agreement, Lease, Property

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Attachments:

Date	Ver.	Action By	Action	Result
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8/21/2006	1	Metropolitan King County Council	Introduced and Referred	
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AN ORDINANCE related to county leases and agreements for personal or real property; requiring council approval of certain real property leases and agreements, making technical corrections; and amending Ordinance 12045, Section 23, as amended, and K.C.C. 4.04.040.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 12045, Section 23, as amended, and K.C.C. 4.04.040 are each hereby amended

to read as follows:

A. The council and executive shall execute the responsibilities outlined below in order to accomplish the preparation and distribution of the budget and budget document.

1.a. At least one hundred thirty-five days before the end of the fiscal year, all agencies shall submit to the executive information necessary to prepare the budget.

b. Before presentation to the council, the executive may provide for hearings on all agency requests for expenditures and revenues to enable the executive to make determinations as to the need, value or

usefulness of activities or programs requested by agencies. The executive may require the attendance of proper agency officials at such hearings, and it shall be their duty to disclose such information as may be required to enable the executive to arrive at final determinations.

c. The executive shall prepare and present an annual budget and budget message to the council no later than seventy-five days before the end of the fiscal year. Copies of the budget and budget message shall be delivered to the clerk of the council and each councilmember.

d. The executive shall prepare and present a proposed appropriation ordinance not later than seventy-five days before the end of the fiscal year. The proposed appropriation ordinance shall specify by any combination of fund, program, project and agency the expenditure levels for the ensuing budget year.

e. Before the public hearing on the budget, the budget message and supporting tables shall be furnished to any interested person upon request, and copies of the budget shall be furnished for a reasonable fee as established by ordinance and shall be available for public inspection.

f. Seven days before the presentation of the annual budget and budget message to the council, the director shall submit to the council copies of all agency and departmental budget requests and departmental and divisional work programs.

2.a. The council shall review the proposed appropriation ordinance and shall make any changes or additions it deems necessary except the council shall not change the form of the proposed appropriation ordinance submitted by the executive.

b. The council shall then announce and subsequently hold a public hearing or hearings as it deems necessary.

c. Upon completion of the budget hearings, the council shall by ordinance adopt an appropriation granting authority to make expenditures and to incur obligations, and the council may attach an accompanying statement specifying legislative intent.

3. The director shall be responsible for the printing and distribution of the executive proposed budget

and final adopted budget.

B.1.a. Within thirty days after adoption of the appropriation ordinance, all agencies shall submit to the executive a statement of proposed expenditures at such times and in such a form as may be required by the executive, ~~((provided))~~ except that the council is not required to submit an allotment. The statement of proposed expenditures shall include requested allotments of appropriations for the ensuing fiscal period for the department or agency concerned by either program, project, object of expenditure or combination thereof and for such periods as may be specified by the executive.

The executive shall review the requested allotments in light of the department's or agency's plan of work, and may revise or alter requested allotments. The aggregate of the allotments for any department or agency shall not exceed the total of appropriations available to the department or agency concerned for the fiscal period.

b. If at any time during the fiscal period the executive ascertains that available revenues for the applicable period will be less than the respective appropriations, the executive shall revise the allotments of departments or agencies funded from ~~((such))~~ those revenue sources to prevent the making of expenditures in excess of revenues. To the same end, the executive is authorized to assign to, and to remove from, a reserve status any portion of a department or agency appropriation ~~((which))~~ that in the executive's discretion is not needed for the allotment. No expenditure shall be made from any portion of an appropriation ~~((which))~~ that has been assigned to a reserve status except as provided in this section.

2. The executive shall periodically review any pay and classification plans, and changes thereunder, for fiscal impact, and shall recommend to the council any changes to ~~((such))~~ the plans~~((; provided, that)),~~ though none of ~~((the provisions of))~~ this subsection shall affect merit systems of personnel management now existing or hereafter established by ordinance relating to the fixing of qualification requirements for recruitment, appointment, promotion or reclassification of employees of any agency.

3. During the last quarter of the fiscal year, the council when requested by the executive may adopt an

ordinance to transfer appropriations between agencies; but a capital project shall not be abandoned thereby unless its abandonment is recommended by the department or agency responsible for planning.

4.a. Unless otherwise provided by the appropriation ordinances and as set forth (~~herein~~) in this section, all unexpended and unencumbered appropriations in the current expense appropriation ordinances shall lapse at the end of the fiscal year. As used in this subsection, "current expense appropriations" include all non-capital budget appropriations.

b. A portion of any such appropriations may be carried forward into the subsequent fiscal year as part of a savings incentive program administered by the director and calculated as follows:

(1) The amount to be carried forward shall be one-half of the unexpended and unencumbered current expense appropriations (~~which~~) that exceed underexpenditure requirements established for the year by the director, and exceed any loss of grant, contract or similar revenues, (~~which~~) that are dedicated to fund the activities supported by the applicable appropriations. These amounts must result from efficiencies and other management measures; and

(2) The calculated amount shall exclude appropriations requested in the subsequent fiscal year to pay for goods or services planned to be purchased during the current fiscal year, but neither delivered nor paid for during the current fiscal year.

c. Amounts carried forward as set forth in this subsection shall be expended to improve productivity and service quality. Authorized uses include, but are not limited to, the acquisition of equipment, testing new service delivery systems and training, so long as such uses do not create recurring, annual obligations beyond minor equipment maintenance costs and are consistent with any applicable county automation standards and plans.

d. By May 1(~~st~~) of each year, the executive shall submit to the council a report describing the amount of savings each agency has carried forward from the prior fiscal year.

e. An appropriation in the capital budget appropriations authorization shall be canceled at the end of

the fiscal year, unless the executive submits to the council the report of the final year end reconciliation of expenditures for all capital projects on or before March 1 of the year following the year of the appropriation, and each year thereafter in which the appropriation remains open.

5. There is hereby created the current expense opportunity fund. Contributions to the fund shall be made pursuant to the formula contained in this subsection, or by direct appropriation.

a. The amount deposited in the current expense opportunity fund shall be one-half of the unexpended and unencumbered current expense appropriations (~~((which))~~ that exceed underexpenditure requirements established for the year by the office of financial management, and exceed any loss of grant, contract or similar revenues, (~~((which))~~ that are dedicated to fund the activities supported by the applicable appropriations. The calculated amount shall exclude appropriations requested in the subsequent fiscal year to pay for goods or services planned to be purchased during the current fiscal year, but neither delivered nor paid for during the current fiscal year. The funds deposited in the current expense opportunity fund shall be equal to the funds made available to the savings incentive program.

b. The executive may recommend, subject to appropriation, the expenditure of the current expense opportunity funds in the annual budget submittal or in supplemental spending requests.

6.a. Except as otherwise provided in this subsection B.6₂ of this section, no agency shall expend or contract to expend any money or incur any liability in excess of the amounts appropriated. Any contract made in violation of this section shall be null and void(~~((;))~~) and any officer, agent or employee of the county knowingly responsible under such a contract shall be personally liable to anyone damaged by this action. The council when requested to do so by the executive may adopt an ordinance permitting the county to enter into contracts requiring the payment of funds from appropriations of subsequent fiscal years, except that the executive may enter into grant contracts, as provided under subsection B.7₂ of this section.

b. The term of a lease or agreement for real or personal property shall not extend beyond the end of a calendar year unless:

(1) funding for the entire term of that lease or agreement is included in a capital appropriation ordinance (~~((provided that))~~), though any lease or agreement for real property longer than a cumulative total of two years shall require council approval by ordinance; (~~((or))~~)

(2) such a lease or agreement includes a cancellation clause under which the lease or agreement may be unilaterally terminated for convenience by the county and costs associated with such a termination for convenience, if any, shall not exceed the appropriation for the year in which termination is effected (~~((provided that))~~), though any decision to continue (~~((the))~~) any lease or agreement for real property beyond a cumulative total of two years shall require council approval by ordinance; or

(3) such a lease or agreement is authorized by ordinance for such periods and under such terms as the county council shall deem appropriate.

c. Real property shall not be leased to the county for more than one year unless it is included in a capital appropriation ordinance.

d. Nothing in this section shall prevent the making of contracts or the spending of money for capital improvements, (~~((nor))~~) or the making of contracts of lease or for service for a period exceeding the fiscal period in which such a contract is made, when such contract is permitted by law.

7. The executive may enter into contracts to implement grants awarded to the county before the appropriation of grant funds, including appropriations that must be made in future years, if the council has received prior notice of the grant application and if either of the following conditions are met: all of the funds to be appropriated under the contract will be from the granting agency; or all financial obligations of the county under the contract are subject to appropriation.