



Legislation Details (With Text)

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Enactment date: 8/30/2018 **Enactment #:** 18777

Title: AN ORDINANCE relating to the establishment of the Metro transit department; amending Ordinance 14199, Section 11, as amended, and K.C.C. 2.16.035, Ordinance 1438, Section 3(c), as amended, and K.C.C. 2.16.060, Ordinance 11955, Section 12, as amended, and K.C.C. 2.16.100, Ordinance 11955, Section 11, as amended, and K.C.C. 2.16.140, Ordinance 17936, Section 1, and K.C.C. 2.20.039, Ordinance 13629, Section 1, as amended, and K.C.C. 2.51.010, Ordinance 2165, Section 2, as amended, and K.C.C. 2.98.020, Ordinance 11431, Section 7, as amended, and K.C.C. 2.124.010, Ordinance 13623, Section 1, as amended, and K.C.C. 2A.310.050, Ordinance 18432, Section 5, as amended, and K.C.C. 2A.380.050, Ordinance 12014, Section 34, as amended, and K.C.C. 3.12.123, Ordinance 12014, Section 36, as amended, and K.C.C. 3.12.188, Ordinance 12045, Section 4, as amended, and K.C.C. 4.56.060, Ordinance 12045, Section 10, as amended, and K.C.C. 4.56.100, Ordinance 12192, Section 1, as amended, and K.C.C. 4.56.195, Ordinance 17390, Section 1, as amended, and K.C.C. 4.56.300, Ordinance 17935, Section 8, and K.C.C. 4A.200.418, Ordinance 15973, Section 81, as amended, and K.C.C. 4A.200.420, Ordinance 17527, Section 83, as amended, and K.C.C. 4A.200.530, Ordinance 17527, Section 82, as amended, and K.C.C. 4A.200.540, Ordinance 18320, Section 2, and K.C.C. 4A.200.737, Ordinance 17527, Section 84, as amended, and K.C.C. 4A.200.740, Ordinance 18320, Section 3, and K.C.C. 4A.200.741, Ordinance 18398, Section 8, and K.C.C. 4A.601.025, Ordinance 17757, Section 5, and K.C.C. 4A.700.490, Ordinance 17096, Section 3, as amended, and K.C.C. 4A.700.700; Ordinance 17422, Section 3, as amended, and K.C.C. 4A.700.750; Ordinance 16943, Section 4, and K.C.C. 4A.700.800, Ordinance 7590, Section 7, as amended, and K.C.C. 9.08.060, Ordinance 1709, Section 6, as amended, and K.C.C. 13.24.080, Ordinance 16147, Section 2, as amended, and K.C.C. 18.17.010, Ordinance 16147, Section 3, as amended, and K.C.C. 18.17.020, Ordinance 4461, Section 2, as amended, and K.C.C. 20.22.040, Ordinance 18709, Section 4, and K.C.C. 20.22.195, Ordinance 17971, Section 2, and K.C.C. 28.30.010, Ordinance 17971, Section 4, as amended, and K.C.C. 28.30.030, Ordinance 11962, Section 2, and K.C.C. 28.91.020, Ordinance 11033, Section 3 (part), and K.C.C. 28.92.010, Ordinance 13441, Section 2, and K.C.C. 28.94.035, Ordinance 14095, Section 3, and K.C.C. 28.94.280, Ordinance 16770, Section 4, as amended, and K.C.C. 28.96.220, Ordinance 11950, Section 18 (part), as amended, and K.C.C. 28.96.430, Ordinance 10733, Section 1, as amended, and K.C.C. 28.101.010, Ordinance 10733, Section 2, as amended, and K.C.C. 28.101.030 and Ordinance 10733, Section 10, as amended, and K.C.C. 28.101.100, adding a new section to K.C.C. chapter 2.16, and repealing Ordinance 11950, Section 9, and K.C.C. 28.92.180.

Sponsors: Claudia Balducci

Indexes: Metro

Code sections: 13.24.080 -, 18.17.010 - *, 18.17.020 - ., 2.124.010 - ., 2.16.035 -, 2.16.060 -, 2.16.100 -, 2.16.140 -, 2.20.039 - ., 2.51.010 -, 2.98.020 -, 20.22 - ., 20.22.040 - ., 28.101.010 - ., 28.101.030 - ., 28.101.100 - ., 28.30.010 - ., 28.30.030 - ., 28.91.020 - ., 28.92.180 - ., 28.94.035 - ., 28.94.280 - ., 28.96.220 - ., 28.96.430 - ., 2A.310.050 - ., 2A.380.050 - ., 3.12.123 - ., 3.12.188 -, 4.56.060 -, 4.56.100 -, 4.56.195 - ., 4.56.300 - ., 4A.200.418 - ., 4A.200.420 - ., 4A.200.530 - ., 4A.200.540 - ., 4A.200.737 - ., 4A.200.740 - ., 4A.200.741 - ., 4A.601.025 - ., 4A.700.490 - ., 4A.700.700 - ., 4A.700.750 - ., 4A.700.800 - ., 9.08.060 -

Attachments: 1. Ordinance 18777.pdf, 2. 2018-0313 transmittal letter_Transit Dept ORD.docx, 3. 2018-0313 Copy of 3_Fiscal Note_Transit Dept.xlsx, 4. 2018-0313_SR_Metro_Department.docx, 5. 2018-0313_ATT3_Motion 15026.pdf, 6. 2018-0313_ATT4_DEPT-Transit-Org-Chart_62818-d3 For Raj V2.pdf, 7. 2018-0313_ATT5_Mobility 1-pager.pdf, 8. 2018-

0313_SR_dated_08012018_Metro_Department-8012018.docx, 9. 2018-0313_ATT2_AMD1_07-30-18.docx, 10. 2018-0313_ATT3_AMDT1_07-30-18.docx, 11. 2018-0313_Revised_SR_Metro_Department.docx

Date	Ver.	Action By	Action	Result
8/20/2018	2	Metropolitan King County Council	Hearing Held	
8/20/2018	2	Metropolitan King County Council	Passed	Pass
8/1/2018	1	Mobility Committee	Recommended Do Pass Substitute	Pass
7/18/2018	1	Mobility Committee	Deferred	
7/9/2018	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE relating to the establishment of the Metro transit department; amending Ordinance 14199, Section 11, as amended, and K.C.C. 2.16.035, Ordinance 1438, Section 3(c), as amended, and K.C.C. 2.16.060, Ordinance 11955, Section 12, as amended, and K.C.C. 2.16.100, Ordinance 11955, Section 11, as amended, and K.C.C. 2.16.140, Ordinance 17936, Section 1, and K.C.C. 2.20.039, Ordinance 13629, Section 1, as amended, and K.C.C. 2.51.010, Ordinance 2165, Section 2, as amended, and K.C.C. 2.98.020, Ordinance 11431, Section 7, as amended, and K.C.C. 2.124.010, Ordinance 13623, Section 1, as amended, and K.C.C. 2A.310.050, Ordinance 18432, Section 5, as amended, and K.C.C. 2A.380.050, Ordinance 12014, Section 34, as amended, and K.C.C. 3.12.123, Ordinance 12014, Section 36, as amended, and K.C.C. 3.12.188, Ordinance 12045, Section 4, as amended, and K.C.C. 4.56.060, Ordinance 12045, Section 10, as amended, and K.C.C. 4.56.100, Ordinance 12192, Section 1, as amended, and K.C.C. 4.56.195, Ordinance 17390, Section 1, as amended, and K.C.C. 4.56.300, Ordinance 17935, Section 8, and K.C.C. 4A.200.418, Ordinance 15973, Section 81, as amended, and K.C.C. 4A.200.420, Ordinance 17527, Section 83, as amended, and K.C.C. 4A.200.530, Ordinance 17527, Section 82, as amended, and K.C.C. 4A.200.540, Ordinance 18320, Section 2, and K.C.C. 4A.200.737, Ordinance 17527, Section 84, as amended,

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STATEMENT OF FACTS:

1. In September 1999, the King County auditor published a Transit Management Audit, a principal recommendation of which included making transit a separate department.
2. On March 16, 2015, the King County council adopted Ordinance 18001, requesting the executive to detail the costs, financial and county code changes, operational issues and a

timeline of council decisions necessary to transition the transit division from a subordinate division within the department of transportation to an executive department responsible for the operating and capital investments necessary to deliver King County's metropolitan public transportation function.

3. On September 18, 2017, the executive directed the director of the department of transportation and the director of the transit division to begin working with the council on the process to transform King County Metro into a separate department within King County, with a focus on mobility, capital program, employee investment and partnerships

4. On December 11, 2017, the council passed Motion 15026 providing guidance on the establishment of the Metro transit department. The motion requested that the executive form a transition team to establish the Metro transit department by January 1, 2019.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 14199, Section 11, as amended, and K.C.C. 2.16.035 are each hereby amended to read as follows:

The county administrative officer shall be the director of the department of executive services. The department shall include the records and licensing services division, the finance and business operations division, the human resources management division, the facilities management division, the administrative office of risk management, the administrative office of emergency management, the administrative office of the business resource center and the administrative office of civil rights. In addition, the county administrative officer shall be responsible for providing staff support for the board of ethics.

A. The duties of the records and licensing services division shall include the following:

1. Issuing marriage, vehicle/vessel, taxicab and for-hire driver and vehicle and pet licenses, collecting license fee revenues and providing licensing services for the public;

2. Enforcing county and state laws relating to animal control;

3. Managing the recording, processing, filing, storing, retrieval and certification of copies of all public documents filed with the division as required;

4. Processing all real estate tax affidavits; and

5. Acting as the official custodian of all county records, as required by general law, except as otherwise provided by ordinance.

B. The duties of the finance and business operations division shall include the following:

1. Monitoring revenue and expenditures for the county. The collection and reporting of revenue and expenditure data shall provide sufficient information to the executive and to the council. The division shall be ultimately responsible for maintaining the county's official revenue and expenditure data;

2. Performing the functions of the county treasurer;

3. Billing and collecting real and personal property taxes, local improvement district assessments and gambling taxes;

4. Processing transit revenue;

5. Receiving and investing all county and political subjurisdiction moneys;

6. Managing the issuance and payment of the county's debt instruments;

7. Managing the accounting systems and procedures;

8. Managing the fixed assets system and procedures;

9. Formulating and implementing financial policies for other than revenues and expenditures for the county and other applicable agencies;

10. Administering the accounts payable and accounts receivable functions;

11. Collecting fines and monetary penalties imposed by district courts;

12. Developing and administering procedures for the procurement of and awarding of contracts for tangible personal property, services, professional or technical services and public work in accordance with K.C.C. chapter 2.93 and applicable federal and state laws and regulations;

13. Establishing and administering procurement and contracting methods, and bid and proposal processes, to obtain such procurements;
14. In consultation with the prosecuting attorney's office and office of risk management, developing and overseeing the use of standard procurement and contract documents for such procurements;
15. Administering contracts for goods and services that are provided to more than one department;
16. Providing comment and assistance to departments on the development of specifications and scopes of work, in negotiations for such procurements, and in the administration of contracts;
17. Assisting departments to perform cost or price analyses for the procurement of tangible personal property, services and professional or technical services, and price analysis for public work procurements;
18. Developing, maintaining and revising as may be necessary from time to time the county's general terms and conditions for contracts for the procurement of tangible personal property, services, professional or technical services and public work;
19. Managing the payroll system and procedures, including processing benefits transactions in the payroll system and administering the employer responsibilities for the retirement and the deferred compensation plans;
20. Managing and developing financial policies for borrowing of funds, financial systems and other financial operations for the county and other applicable agencies.
21. Managing the contracting opportunities program to increase opportunities for small contractors and suppliers to participate on county-funded contracts. Submit an annual report as required by K.C.C. 2.97.090;
22. Managing the apprenticeship program to optimize the number of apprentices working on county construction projects. Submit an annual report as required by K.C.C. 12.16.175; and
23. Serving as the disadvantaged business enterprise liaison officer for federal Department of Transportation and other federal grant program purposes. The disadvantaged business enterprise liaison officer

shall have direct, independent access to the executive on disadvantaged business enterprise program matters consistent with 49 C.F.R. Sec. 26.25. For other matters, the disadvantaged business enterprise liaison officer shall report to the director of the finance and business operations division.

C. The duties of the human resources management division shall include the following:

1. Developing and administering training and organizational development programs, including centralized employee and supervisory training and other employee development programs;
2. Developing proposed and administering adopted policies and procedures for:
 - a. employment, including recruitment, examination and selection;
 - b. classification and compensation; and
 - c. salary administration;
3. Developing proposed and administering adopted human resources policy;
4. Providing technical and human resources information services support;
5. Developing and managing insured and noninsured benefits programs, including proposing policy recommendations, negotiating benefits plan designs with unions, preparing legally mandated communications materials and providing employee assistance and other work and family programs;
6. Developing and administering diversity management and employee relations programs, including affirmative action plan development and administration, management and supervisory diversity training and conflict resolution training;
7. Developing and administering workplace safety programs, including inspection of work sites and dissemination of safety information to employees to promote workplace safety;
8. Administering the county's self-funded industrial insurance/worker's compensation program, as authorized by Title 51 RCW;
9. Advising the executive and council on overall county employee policies;
10. Providing labor relations training for county agencies, the executive, the council and others, in

collaboration with the office of labor relations;

11. Overseeing the county's unemployment compensation program;

12. Collecting and reporting to the office of management and budget on a quarterly basis information on the numbers of filled and vacant full-time equivalent and term-limited temporary positions and the number of emergency employees for each appropriation unit; and

13. Providing a quarterly report to the council showing vacant positions by department. The report must indicate whether a term-limited temporary employee is backfilling the position, the salary and benefits associated with a position and how long the position has been vacant. The report is due thirty days after the end of each calendar quarter and shall be filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff to the budget and fiscal management committee or its successor.

D. The duties of the facilities management division shall include the following:

1. Overseeing space planning for county agencies;

2. Administering and maintaining in good general condition the county's buildings except for those managed and maintained by the department((s)) of natural resources and parks and ((~~transportation~~)) the Metro transit department as provided in K.C.C. chapter 4.56;

3. Operating security programs for county facilities except as otherwise determined by the council;

4. Administering all county facility parking programs except for public transportation facility parking;

5. Administering the supported employment program;

6. Managing all real property owned or leased by the county, except as provided in K.C.C. chapter 4.56, ensuring, where applicable, that properties generate revenues closely approximating fair market value;

7. Maintaining a current inventory of all county-owned or leased real property;

8. Functioning as the sole agent for the disposal of real properties deemed surplus to the needs of the county;

9. In accordance with K.C.C. chapter 4A.100, providing support services to county agencies in the acquisition of real properties, except as otherwise specified by ordinance;
10. Issuing oversized vehicle permits, franchises and permits and easements for the use of county property except franchises for cable television and telecommunications;
11. Overseeing the development of capital projects for all county agencies except for specialized roads, solid waste, public transportation, airport, water pollution abatement, surface water management projects and parks and recreation;
12. Being responsible for all general projects, such as office buildings or warehouses, for any county department including, but not limited to, the following:
 - a. administering professional services and construction contracts;
 - b. acting as the county's representative during site master plan, design and construction activities;
 - c. managing county funds and project budgets related to capital projects;
 - d. assisting county agencies in the acquisition of appropriate facility sites;
 - e. formulating guidelines for the development of operational and capital project plans;
 - f. assisting user agencies in the development of capital projects and project plans, as defined and provided for in K.C.C. chapter 4A.100;
 - g. formulating guidelines for the use of life cycle cost analysis and applying these guidelines in all appropriate phases of the capital process;
 - h. ensuring the conformity of capital project plans with the adopted space plan and agency business plans;
 - i. developing project cost estimates that are included in capital project plans, site master plans, capital projects and biennial project budget requests;
 - j. providing advisory services, feasibility studies or both services and studies to projects as required and for which there is budgetary authority;

k. coordinating with user agencies to assure user program requirements are addressed through the capital development process as set forth in this chapter and in K.C.C. chapter 4A.100;

l. providing engineering support on capital projects to user agencies as requested and for which there is budgetary authority; and

m. providing assistance in developing the executive budget for capital projects; and

13. Providing for the operation of a downtown winter shelter for homeless persons between October 15 and April 30 each year.

E. The duties of the administrative office of risk management shall include the management of the county's insurance and risk management programs consistent with K.C.C. chapter 2.21.

F. The duties of the administrative office of emergency management shall include the following:

1. Planning for and providing effective direction, control and coordinated response to emergencies;

and

2. Being responsible for the emergency management functions defined in K.C.C. chapter 2.56.

G. The duties of the administrative office of civil rights shall include the following:

1. Enforcing nondiscrimination ordinances as codified in K.C.C. chapters 12.17, 12.18, 12.20 and 12.22;

2. Assisting departments in complying with the federal Americans with Disabilities Act of 1990, the federal Rehabilitation Act of 1973, Section 504, and other legislation and rules regarding access to county programs, facilities and services for people with disabilities;

3. Serving as the county Americans with Disabilities Act coordinator relating to public access;

4. Providing staff support to the county civil rights commission;

5. Serving as the county federal Civil Rights Act Title VI coordinator; and

6. Coordinating county responses to federal Civil Rights Act Title VI issues and investigating complaints filed under Title VI.

H. The duties of the administrative office of the business resource center shall include the following:

1. The implementation and maintenance of those systems necessary to generate a regular and predictable payroll through the finance and business operations division;
2. The implementation and maintenance of those systems necessary to provide regular and predictable financial accounting and procedures through the finance and business operations division;
3. The implementation and maintenance of those systems necessary to generate regular and predictable county budgets, budget reports and budget management tools for the county; and
4. The implementation and maintenance of the human resources systems of record for all human resources data for county employment purposes.

SECTION 2. Ordinance 1438, Section 3(c), as amended, and K.C.C. 2.16.060 are each hereby amended to read as follows:

A. The department of public safety, as identified in the Section 350.20.40 of the King County Charter, and managed by the King County sheriff, may also be known and cited in the King County Code and in other usage as the office of the sheriff. Employees managed by the King County sheriff may be referred to in the King County Code or otherwise, as King County police, King County officer or deputy sheriff.

B. The department of public safety is responsible to keep and preserve the public peace and safety including the discharge of all duties of the office of sheriff under state law, except those duties relating to jails and inmates which are performed by other departments of county government. The functions of the department include:

1. Oversee a crime prevention program, investigate crimes against persons and property and arrest alleged offenders;
2. Execute the processes and orders of the courts of justice and all other mandated functions required by law;
3. In coordination with the office of emergency management, plan and coordinate resources for the

public safety and welfare in the event of a major emergency or disaster;

4. Provide service and administrative functions which support but do not duplicate other governmental activities, and which have the potential to be fiscally self-supportive;

5. Investigate the origin, cause, circumstances and extent of loss of all fires, in accordance with RCW 43.44.050. Fire investigations shall be conducted under the direction of the fire investigation supervisor, who shall also be considered an assistant fire marshal for the purposes of chapter 43.44 RCW. The functions of the fire and arson investigation unit include, but are not limited to: investigation and determination of the origin and cause of fires; preparation of detailed informational, investigative and statistical reports; conducting criminal follow-up investigations, including detection, apprehension and prosecution of arson suspects; providing expert testimony in court for criminal and civil cases; maintenance of records of fires; preparation and submission of annual reports to the county sheriff and other entities as required by chapters 43.44 and 48.50 RCW; and

6. Consistent with the office of law enforcement oversight carrying out its authorities as identified in Section 365 King County Charter and K.C.C. chapter 2.75:

a. provide the office of law enforcement oversight all relevant information in a timely manner, including:

(1) access to all relevant employees, facilities, systems, documents, files, records, data, interviews, hearings, boards, trainings and meetings;

(2) access to crime scenes and related follow-up administrative investigations, in a manner so as to protect the integrity of the scene; and

(3) notifications regarding the current status of all complaints consistent with K.C.C. 2.75.050.C.;

b. provide the oversight office with a reasonable opportunity to comment on all administrative investigations before notifying the subject employee of the findings;

c. provide the oversight office with a reasonable opportunity to comment on all sheriff's office

policies, rules, procedures or general orders; and

d. annually, in collaboration with the office of law enforcement oversight, establish or update, as needed, pilot projects and sheriff's office policies and procedures related to implementation of the authorities of K.C.C. chapter 2.75, including such things as timelines and processes for achieving K.C.C. 2.16.060.B.6.a., b., c. and d., and records management and controls.

C. The sheriff, to carry out the duties under subsection B. of this section, may establish the functions for the following divisions:

1. Office of the sheriff;
2. Patrol operations division;
3. Support services division;
4. Criminal investigation division;
5. Professional standards division;
6. Sound Transit division, which provides services to the Central Puget Sound Regional Transit

Authority; and

7. Metro ~~((F))~~ transit division, which provides services to the ~~((King County))~~ Metro transit department ~~((of transportation, transit division))~~.

SECTION 3. Ordinance 11955, Section 12, as amended, and K.C.C. 2.16.100 are each hereby amended to read as follows:

A. Exemptions from the requirements of the career service personnel system shall be consistent with the provisions of Sections 550, 350.10 and 350.20 of the King County Charter. Key subordinate units, as determined by the county council, and departmental divisions shall be considered to be executive departments. Divisions of administrative offices shall be considered to be administrative offices for the purpose of determining the applicability of the charter provisions.

B. The county administrative officer, directors, chief officers and supervisors of departments,

administrative offices, divisions, key subordinate units and other units of county government as required by law shall be exempt from the requirements and provisions of the career service personnel system.

C.1. The following are determined by the council to be key subordinate units due to the nature of the programs involved and their public policy implications and appointments to these positions shall be subject to confirmation by the council:

- a. the chief information officer of the administrative office of information resource management;
- b. the deputy director of the department of elections;
- c. the manager of the records and licensing services division; and
- d. ~~((the director of the transit division; and~~
- e.)) the director of the road services division.

2. When an ordinance is enacted designating a position as a key subordinate unit, no person then serving in the position shall continue to serve for more than ninety days after such enactment, unless reappointed by the executive and confirmed by the council.

D. If an administrative assistant or a confidential secretary, or both, for each director, chief officer of an administrative office and supervisor of a key subordinate unit are authorized, those positions are exempt from the requirements and provisions of the career service personnel system.

SECTION 4. Ordinance 11955, Section 11, as amended, and K.C.C. 2.16.140 are each hereby amended to read as follows:

A. The department of transportation is responsible to manage and be fiscally accountable for the road services division, ~~((transit division,))~~ fleet administration division~~((;))~~ and airport division ~~((and marine division. The department shall perform the metropolitan public transportation function as authorized in chapter 35.58 RCW, K.C.C. Title 28 and other applicable laws, regulations and ordinances; provided, that financial planning for and administration of the public transportation function shall be conducted consistent with financial policies as may be adopted by the council)).~~ The department shall administer the county roads

function as authorized in applicable sections of Titles 36 and 47 RCW and other laws, regulations and ordinances as may apply. (~~The department shall administer the passenger ferry service function as authorized in chapter 36.54 RCW, K.C.C. chapter 2.120 and other applicable laws, regulations and ordinances.~~) The department's functions include, but are not limited to, the activities set forth in subsections B. through ~~(F.)~~ D. of this section for each division, administration of grants and the coordination of transportation planning activities with other county agencies and outside entities to integrate transportation planning and land use planning.

B. The road services division is responsible to design, construct, maintain and operate a comprehensive system of roadways and other transportation facilities and services to support a variety of transportation modes for the safe and efficient movement of people and goods and delivery of services. The duties of the division shall include the following:

1. Designing, constructing and maintaining county roads, bridges and associated drainage facilities;
2. Designing, installing and maintaining county traffic signs, markings and signals;
3. Designing, installing and maintaining bicycle and pedestrian facilities;
4. Managing intergovernmental contracts or agreements for services related to road maintenance and construction and to other transportation programs supporting the transportation plan;
5. Inspecting utilities during construction and upon completion for compliance with standards and specifications; assuring that public facilities disturbed due to construction are restored;
6. Performing detailed project development of roads capital improvement projects that are consistent with the transportation element of the county's Comprehensive Plan, and coordinating such programming with other county departments and divisions assigned responsibilities for Comprehensive Plan implementation;
7. Incorporating into the roads capital improvement program those projects identified in the transportation needs report, community plans, related functional plans and elsewhere consistent with the county's Comprehensive Plan;

8. Preparing, maintaining and administering the county road standards;

9. Preparing and administering multi-year roads maintenance and capital construction plans and periodic updates;

10. Administering the transportation concurrency and mitigation payment programs; and

11.a. Performing the duties of the office of the county road engineer, which is hereby established as an administrative office of the road services division. The office of the county road engineer shall be an office of record, supervised by the county road engineer hired in accordance with RCW 36.80.010 and reporting to the division director of the road services division. The office of the county road engineer shall be located within the corporate limits of the county seat.

b. The county road engineer shall carry out all duties assigned to the county road engineer as prescribed by state statute, except as modified by the county executive as authorized in subsection B.11.c. of this section.

c. The county executive may assign professional engineering duties of the county road engineer to someone other than the county road engineer, except as otherwise assigned by King County Code, and only if the individual assigned those duties shall be qualified as required under RCW 36.80.020. The executive shall provide to the county council and the Washington State County Road Administration Board, in writing, those specific professional engineering duties not assigned to the county road engineer, the name and position of each person responsible for carrying out those assigned duties, the specific reporting and working relationships with the county road engineer and the duration for which those duties have been assigned.

~~C.(1. The transit division is responsible for the operation and maintenance of a comprehensive system of public transportation services in King County. The duties of the division shall include the following:~~

~~a. providing all necessary customer services including telephone and other customer information and support systems; managing sales and distribution of fare media, research, market strategies and marketing functions;~~

~~b. implementing programs, policies and strategies for the public transit in King County; developing and scheduling new products and service and managing contract services;~~

~~c. developing and implementing transportation programs under the Americans with Disabilities Act of 1990 (ADA) including preparing policy recommendations and service models and contracting for the delivery of service;~~

~~d. delivering and managing transit service in the county including service quality and service communication functions;~~

~~e. managing and maintaining the transit system infrastructure, including trolley power distribution and overhead systems, bases, customer facilities, and the radio communication and data system;~~

~~f. maintaining transit rolling stock including all revenue vehicle fleets and those vehicles required to support the operation of the transit system, except such vehicles as may be included in the motor pool; managing a central stores function, unit repair facilities and all purchasing activities relative to the procurement of the revenue vehicle fleet;~~

~~g. managing the design, engineering and construction management functions related to the transit capital program including new facilities development and maintenance of existing infrastructure; providing support services such as project management, environmental review, permit and right-of-way acquisitions, schedule and project control functions;~~

~~h. managing rideshare operations functions including vanpool, carpool, and regional ride matching programs; and~~

~~i. preparing and administering public transportation service and supporting capital facility plans and periodic updates.~~

~~2. The council may assign responsibility for services ancillary to and in support of the operation and maintenance of the metropolitan public transportation system under chapter 35.58 RCW, including, but not limited to, human resources, accounting, budgeting, finance, engineering, fleet administration, maintenance,~~

laboratory, monitoring, inspection and planning, as it determines appropriate.))

D.) The duties of the fleet administration division shall include the following:

1. Acquiring, maintaining and managing the motor pool and equipment revolving fund for fleet vehicles and equipment including, but not limited to, vehicles for the department of natural resources and parks, facilities management division, and transportation nonrevenue vehicles. ((Transportation)) Metro transit department vehicles determined by the director to be intricately involved in or related to providing public transportation services shall not be part of the motor pool;
2. Establishing rates for the rental of equipment and vehicles;
3. Establishing terms and charges for the sale of any material or supplies which have been purchased, maintained or manufactured with money from the equipment revolving fund;
4. Managing training programs, stores function and vehicle repair facilities;
5. Administering the county alternative fuel program and take-home assignment of county vehicles policy; and
6. Inventorying, monitoring losses and disposing of county personal property in accordance with K.C.C. chapter 4.56.

((E.)) D. The airport division is responsible for managing the maintenance and operations of the King County international airport. The duties of the division shall include the following:

1. Developing and implementing airport programs under state and federal law including preparing policy recommendations and service models;
2. Managing and maintaining the airport system infrastructure;
3. Managing, or securing services from other divisions, departments or entities to perform, the design, engineering and construction management functions related to the airport capital program including new facilities development and maintenance of existing infrastructure; providing support services such as project management, environmental review, permit and right-of-way acquisitions, schedule and project control

functions; and

4. Preparing and administering airport service and supporting capital facility plans and periodic updates.

~~((F. The marine division is responsible for the administration, maintenance and operation of passenger ferry service in King County. The duties of the division shall include the following:~~

~~1. Managing, acquiring, constructing and maintaining King County's marine transportation system infrastructure;~~

~~2. Managing, or securing services from other divisions, departments or entities, to perform the design, engineering and construction management functions related to the passenger ferry capital program including vessel procurement, new facilities development and maintenance of existing infrastructure;~~

~~3. Providing general administration of the passenger ferry service, such as project management, grants management, procurement, labor negotiations, environmental review, permit and real property acquisitions and managing contract services; and~~

~~4. Planning, implementing, administering and operating passenger ferry service in King County that is integrated with and subject to the methodology of the King County Metro Service Guidelines, used to design and modify transit services.))~~

NEW SECTION. SECTION 5. There is hereby added to K.C.C. chapter 2.16 a new section to read as follows:

A. The Metro transit department is responsible and fiscally accountable for developing, delivering, integrating and maintaining, and reducing historic disparities through, the county's public transportation and passenger ferry services for, and in partnership with, the people and communities of King County.

B. The department shall perform the metropolitan public transportation function as authorized in Title 35 and the King County Code, as well as perform public transportation functions as set forth in Title 47 RCW and other applicable laws, regulations and ordinances. The department shall also administer the passenger ferry

service function as authorized in 36.54 RCW and the King County Code, as well as other applicable laws, regulations and ordinances. The department's functions shall also include the administration of grants and the coordination of transportation planning activities with other county agencies and outside entities to integrate transportation and land use planning.

C. The Metro transit department shall be comprised of the following divisions and functions:

1. The bus operations division, the functions of which include delivering fixed route bus services;
2. The capital division, the functions of which include planning and delivering the Metro transit fleet, information technology and fixed assets capital program portfolios;
3. The employee services division, the functions of which include delivering, supporting and developing the department's workforce;
4. The finance and administration division, the functions of which include supporting the delivery of the Metro transit system through financial, transit technology, accountability and administrative services;
5. The marine division, the functions of which include delivering passenger-only ferry services;
6. The mobility division, the functions of which include planning and delivering the department's mobility programs and services such as planning for fixed-route transit services; planning and organizing supplemental, paratransit, vanpool, dial-a-ride transit (DART) and other types of transit services; partnering with regional transportation providers; and providing outreach to and support for transit customers;
7. The rail division, the functions of which include delivering light rail and street car services;
8. The transit facilities division, the functions of which include managing and maintaining Metro transit facilities; and
9. The vehicle maintenance division, the functions of which include managing and maintaining the department's fleets.

D. The director of the Metro transit department may also be referred to as the department's general manager.

SECTION 6. Ordinance 17936, Section 1, and K.C.C. 2.20.039 are each hereby amended to read as follows:

A. The county auditor shall establish an ongoing transit audit function, in order to conduct performance and financial audits consistent with government audit standards and as described in K.C.C. 2.20.035, of the county's transit services program within the Metro transit department (~~(of transportation)~~) and commonly referred to as the Metro transit system.

B.1. In addition to or as part of the regular audits required in subsection A. of this section, the auditor shall conduct a review and assessment of the Metro transit system performance, system allocation and financial reports for:

- a. compliance with transit policies, including but not limited to the Strategic Plan for Public Transportation 2011-2021, the King County Metro Service Guidelines and Public Transportation Fund Management policies, or their successor adopted documents; and
- b. comparison to peer transit agencies.

2. For any assessment performed under this subsection, the auditor shall file the assessment in the form of a paper original and electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council's chief of staff and policy staff director and the lead staff for the government accountability and oversight and transportation, economy and environment committees or their successors. The auditor shall post a copy of the assessment on the Internet within five days of transmitting it to the council.

C. The auditor shall identify the elements of subsections A. and B. of this section to be performed in the audit work program described in K.C.C. 2.20.045.

D. By July 1 of each even-numbered year, the auditor shall file a report summarizing the results of work completed in the last twenty-four months in relation to subsections A. and B. of this section, and report on whether and what actions the county took responsive to findings in transit audits and assessments completed in

the previous three years. The auditor shall file the report in the form of an original and electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council's chief of staff and policy staff director and the lead staff for the government accountability and oversight and transportation, economy and environment committees or their successors. The auditor shall post a copy of the report on the Internet within five days of transmitting it to the council.

E. To accomplish the purposes of this section, the auditor shall utilize qualified personnel with expertise in public transportation and as necessary, retain independent consulting services with appropriate expertise.

F. Following filing of the second biennial report, the council shall, in consultation with the auditor, assess the benefits and costs of the transit audit function for the purpose of evaluating whether to retain it in its current form, modify it or repeal it.

SECTION 7. Ordinance 13629, Section 1, as amended, and K.C.C. 2.51.010 are each hereby amended to read as follows:

A. The framework policies for human services, dated April 2, 2007, and contained in Attachment A to Ordinance 15887 are adopted to establish priorities and guide the future development of county human service programs. These priorities link directly to key policy and practice areas in human services, such as criminal justice system alternatives, ending homelessness, the service improvement plan for the veterans and human services levy and other regional plans and initiatives.

B. The department of community and human services shall have lead responsibility for implementing the framework policies for human services. The department shall work in cooperation with other county departments and offices also providing services to the priority populations, including, but not limited to, public health, adult and juvenile detention, natural resources and parks, superior court and ~~((transportation))~~ Metro transit. The department shall continue to provide opportunities throughout planning processes for participation by other regional funding organizations that also provide services to the county's priority populations, in order

to better plan for and coordinate human services across the region.

SECTION 8. Ordinance 2165, Section 2, as amended, and K.C.C. 2.98.020 are each hereby amended to read as follows:

For the purpose of this chapter:

A. "Department" means executive departments and administrative offices, the sheriff's office, the department of assessments, the department of judicial administration, the department of elections, county boards, commissions, committees and other multimember bodies. However, "department" does not include the legislative branch and all offices established under Article 2 of the King County Charter, the hearing examiner, the board of appeals, the personnel board, the board of health, superior courts, district courts and the prosecuting attorney's office.

B. "Penalty" means a punishment established by ordinance or other law imposed as a consequence of failing to abide by or comply with the law, ordinance or a rule adopted under ordinance or other law.

C.1. "Rule" means any department order, directive or regulation of general applicability:

- a. the violation of which subjects a person outside county employment to a penalty;
- b. that subjects a person outside of county employment to the payment of a fee;
- c. that establishes, alters or revokes any procedure, practice or requirement relating to a department

hearing; or

- d. that establishes, alters or revokes any qualifications or standards for the issuance, suspension or revocation of a license to pursue any commercial activity, trade or profession.

2. "Rule" includes the amendment or repeal of a prior rule, but does not include:

- a. a statement concerning only the internal management of a department and not affecting private rights or procedures available to the public;

- b. a declaratory ruling issued in accordance with an ordinance; or

- c. a traffic restriction for motor vehicles, bicyclists and pedestrians established by the director of the

department of transportation, the director of the Metro transit department or their designees if an official traffic control device gives notice of the restriction.

SECTION 9. Ordinance 11431, Section 7, as amended, and K.C.C. 2.124.010 are each hereby amended to read as follows:

The King County Metro transit department (~~((of transportation))~~) shall employ a transit public involvement model to promote (~~((the transit division's))~~) responsiveness and accountability to the community. The Metro transit department (~~((of transportation))~~) shall provide staff support for the transit public involvement model, which shall include the following major elements:

A. Sounding boards which are geographically, topically or community-based groups convened for a limited time to consider specific transit topics. Sounding boards shall be established by the Metro transit (~~((division))~~) department to provide advice on identified issues including, but not limited to, transit service changes. Sounding boards shall provide information to the transit advisory commission, local jurisdictions, subarea transportation forums as well as the Metro transit (~~((division))~~) department, the executive and the council. For major planning exercises such as service changes, sounding boards shall make consensus recommendations to the transit advisory commission and the Metro transit (~~((division))~~) department.

B.1. The transit advisory commission, which is a permanent body that shall advise the Metro transit (~~((division))~~) department, the executive, the council, local jurisdictions and subarea transportation forums on transit issues and policy, including matters of concern to the elderly and persons with disabilities. The transit advisory commission shall advise the (~~((division))~~) department on the inception and development of long-range planning efforts, and serve as a resource for transit promotion.

2. As of February 18, 2011, the commission shall have up to thirty members who were appointed by the executive and confirmed by the council to serve on either the transit advisory committee or accessible services advisory committee. These initial members may serve for the remainder of the terms for which they were appointed to the transit advisory committee or accessible services advisory committee. The executive

shall not appoint individuals to fill vacancies in these positions if the result would be to exceed the membership limits in subsection B.3. of this section.

3. Except as otherwise provided in subsection B.2. of this section, the commission shall have eighteen members who are appointed by the executive and confirmed by the council to two-year terms.

a. Nine members shall be transit riders, recruited by the Metro transit department (~~(of transportation~~)) to reflect the diversity and geographic distribution of county residents

b. Nine members shall be persons with disabilities or elderly persons, or be associated with an agency that works with disabled and elderly persons, recruited by the Metro transit department (~~(of transportation))~~ to reflect the diversity of the communities they represent and types of disabilities, as well as consideration of the geographic distribution of county residents.

4. The commission shall:

a. adopt by-laws, elect a chair and vice-chair to quarterly terms and adopt an annual work program, which shall include issues of interest to transit riders and issues related to accessibility and ACCESS services for elderly and disabled riders as well as all items requested by the council or the Metro transit (~~(division))~~ department;

b. meet as needed to complete the work plan and address other issues as they arise; and

c. designate one member to serve on each sounding board.

5. The transit advisory commission may establish standing and ad hoc subcommittees to review issues that, in the commission's discretion, require in-depth study. The subcommittees shall report to the transit advisory commission and are not authorized to take actions independent of the commission.

SECTION 10. Ordinance 13623, Section 1, as amended, and K.C.C. 2A.310.050 are each hereby amended to read as follows:

A. The King County emergency management advisory committee is hereby established. The committee shall act in an advisory capacity to the executive, council and the office of emergency management

on emergency management matters and facilitate the coordination of regional emergency planning in King County.

B. The committee shall be composed of members who represent the following emergency management interests, with each interest having one member except for the Sound Cities Association, which may have three members:

1. The Central Region Emergency Medical Services and Trauma Care Council;
2. Each city with a population of over one hundred thousand;
3. Electric and gas utilities;
4. The financial community;
5. The King County Fire Chiefs Association;
6. The King County Fire Commissioners Association;
7. The King County Police Chiefs Association;
8. Local emergency planning committees;
9. The Port of Seattle;
10. Private business and industry;
11. The Puget Sound Educational Service District;
12. The King and Kitsap Counties Chapter of the American Red Cross;
13. Water and sewer districts;
14. The Sound Cities Association;
15. The Washington Association of Building Officials;
16. The King County executive or the executive's designee;
17. The King County department of natural resources and parks;
18. The King County department of transportation;
19. The King County Metro transit department;

20. The Seattle-King County department of public health;

~~((20.))~~ 21. The Muckleshoot Tribe;

~~((21.))~~ 22. The Snoqualmie Tribe;

~~((22.))~~ 23. The King County sheriff's office;

~~((23.))~~ 24. The Northwest Healthcare Response Network; and

~~((24.))~~ 25. A faith-based organization prepared to provide emergency relief services to the public.

C. The scope and charge of the committee is to:

1. Advise King County on emergency management issues and facilitate coordination of regional emergency planning in King County;

2. Assist King County in the development of programs and policies concerning emergency management; and

3. Review and comment on proposed emergency management rules, policies or ordinances before the adoption of the rules, policies or ordinances.

D.1. The executive shall appoint regular members and one alternate member for each regular member of the committee, subject to confirmation by the council.

2. Individuals serving as regular members of the committee shall be the chair of the association or designee if an association or agency is named as a member. Individuals serving as alternate members of the committee shall be designated by the association if an association or agency is named as a member. This includes the Sound Cities Association, which shall designate the individuals to serve as its regular members and alternates.

3. Individuals serving the committee from industry groups or a faith-based organization shall be recruited with the assistance of those entities.

4. A regular or alternate member of the committee shall serve a term of three years or until the regular or alternate member's successor is appointed and confirmed as provided in this section. The terms of office

shall be staggered consistent with K.C.C. chapter 2.28.

5. Memberships are not limited as to numbers of terms, but regular and alternate members shall participate in a reappointment process every three years. Reappointment is subject to confirmation by the county council.

6. A vacancy shall be filled for the remainder of the term of the vacant position in the manner described in the initial appointment.

E.1. The committee shall elect a regular committee member as chair by a majority vote of committee members. The term of the chair is one year.

2. The committee shall adopt appropriate bylaws, including quorum requirements.

F. The office of emergency management shall provide ongoing administrative support to the committee.

G. Members of the committee shall serve without compensation.

SECTION 11. Ordinance 18432, Section 5, as amended, and K.C.C. 2A.380.050 are each hereby amended to read as follows:

The duties of the emergency radio communications division include administering the emergency radio communication system, but not including the radio communication and data system operated and maintained by the Metro transit department (~~((of transportation))~~).

SECTION 12. Ordinance 12014, Section 34, as amended, and K.C.C. 3.12.123 are each hereby amended to read as follows:

The council desires to continue the weapons policy established by the Municipality of Metropolitan Seattle prior to assumption of metropolitan functions on January 1, 1994, by the county and continued by the council during the 1994 - 1995 transition period. The council recognizes that employees in (~~(the transit division of)~~) the Metro transit department (~~((of transportation))~~) interact daily with the public in providing public transportation services, are expected to avoid any potentially volatile situation or confrontation, and are required to contact the appropriate authority for assistance when necessary. In conjunction with the behavior

expected of such employees, it is also the policy that the use, threatened use, or possession of a weapon concealed, licensed or otherwise, by such an employee while in the performance of the employee's official duties or while on county property is strictly prohibited and will result in termination. This policy does not apply to commissioned police officers under contract with or employed by the county for investigatory, undercover or enforcement reasons.

SECTION 13. Ordinance 12014, Section 36, as amended, and K.C.C. 3.12.188 are each hereby amended to read as follows:

A. Employees eligible for comprehensive leave benefits under this chapter, administrative interns, volunteer interns, work study students and eligible department of transportation or Metro transit department retirees as defined in this section shall be issued a transit bus pass entitling the holder to ride without payment of fare on public transportation services operated by or under the authority of the county. In addition, such employees shall be entitled to use the transit bus pass to ride without payment of fare on public transportation services operated by or under the authority of Pierce Transit, Kitsap Transit, the King County Ferry District, Sound Transit, Everett Transit, and Community Transit, subject to agreements with such agencies as may be entered into by the executive. Use of transit bus passes shall be restricted to such employees, administrative interns, volunteer interns, work study students and department of transportation or Metro transit department retirees and any unauthorized use shall, at a minimum, result in forfeiture of the passes. With the exception of administrative interns, volunteer interns and work study students, employees not eligible for comprehensive leave benefits under this chapter shall not receive transit bus passes or any transit bus pass subsidy.

B. The executive shall cause an appropriate survey to be conducted biennially of the use of public transportation services by county employees and volunteer interns. Based on the results of the survey, the projected usage of public transportation services by county employees, the county's commute trip reduction objectives and other factors determined appropriate by the executive, the executive shall recommend in the annual budget an amount to be paid to the public transportation operating account for transit bus passes. The

amount recommended by the executive shall not include any payment for transit bus passes for commissioned police officers, eligible department of transportation or Metro transit department retirees and employees whose positions are determined by the director of the Metro transit department (~~(of transportation)~~) to be dedicated exclusively to the public transportation function. The final amount to be transferred to the public transportation operating account for transit bus passes shall be determined by the council as part of the annual budget and appropriation process consistent with the requirements of the King County Charter and applicable state law.

C. For purposes of this section, "eligible department of transportation or Metro transit department retiree" means an employee eligible for comprehensive leave under this chapter who:

1. Separates from employment with the county before January 1, 2019, while holding a position in the department of transportation determined by the director of the department of transportation to be dedicated exclusively to the public transportation function or separates from employment with the county on or after January 1, 2019, while holding a position in the Metro transit department determined by the director of the Metro transit department to be dedicated exclusively to the public transportation function; and

2. On the date of the separation is eligible to receive benefits from a retirement system established pursuant to state law.

SECTION 14. Ordinance 12045, Section 4, as amended, and K.C.C. 4.56.060 are each hereby amended to read as follows:

A. Except as otherwise provided in this chapter, the facilities management division, acting under the supervision of the county administrative officer, shall be the sole organization responsible for the administrative processes of acquiring, disposing, inventorying, leasing and managing real property, the legal title of which rest in the name of the county, or which the county manages in a trust capacity.

B. Open space, trail, park, agriculture and other natural resource real properties shall be acquired by the department of natural resources and parks, unless the executive directs the facilities management division to make such acquisitions.

C. Real property and interests in real property necessary for the metropolitan public transportation and metropolitan water pollution abatement functions shall be acquired and managed by the Metro Transit department(~~(s of transportation)~~) and the department of natural resources and parks, respectively, as set forth in this chapter, unless the executive directs the facilities management division to make such acquisitions and/or manage such properties.

D. County departments shall be responsible for maintaining all real property for which they are the custodian.

E.1. As part of the services the county provides to the King County Flood Control Zone District under an interlocal agreement, the county, acting through the facilities management division in coordination with the department of natural resources and parks, is authorized to sell or otherwise convey real property and real property interests held in the name of the county that were acquired on behalf of the district, without being subject to the other requirements of this chapter, but only if:

a. the district, by resolution, directs the county to convey to the district or named third parties those real properties or real property interests acquired by the county for the district and held in the county's name. Within the time stated in the resolution, or within sixty days of the county's receipt of a copy of the resolution, if a time is not stated in the resolution, the division should execute the conveyance document, in a form approved by the district, and transmit it to the district unless the resolution directs the conveyance document be transmitted to named third parties; or

b.(1) the district, by resolution, directs the county to sell those real properties or real property interests acquired by the county for the district and held in the county's name, with the proceeds of the sales remitted to the district. Unless otherwise directed by the district by resolution, all sales shall be made to the highest responsible bidder at public auction or by sealed bid. Within the time stated in the resolution, or within sixty days of the county's receipt of a copy of the resolution, if a time is not stated in the resolution, the division should initiate the process to sell real properties or real property interests; and

(2) not more than thirty days after bids are received, the county shall provide the district with notice of all bids received and the county's determination of the highest responsible bidder. Before closing on any sale, the county shall obtain written confirmation from the district's executive director that the district concurs in the county's determination of the highest responsible bidder.

2. The county shall provide monthly progress reports on all district-authorized conveyances or sales, including but not limited to in the case of a conveyance, the expected date of executing the conveyance documents or, in the case of a sale, the closing date. In each monthly report, if the expected date of the executing conveyance documents is delayed or the expected closing date of a sale is delayed, the county shall report to the district the reasons for the delay and the new expected date to convey or sell.

3. No later than March 31 of each year, the county shall provide to the executive director of the King County Flood Control Zone District an inventory of all real property and real property interests acquired by the county on behalf of the district and held in the name of the county.

SECTION 15. Ordinance 12045, Section 10, as amended, and K.C.C. 4.56.100 are each hereby amended to read as follows:

A. All sales of real and personal property shall be made to the highest responsible bidder at public auction or by sealed bid except when:

1. County property is sold to a governmental agency;
2. The county executive has determined an emergency to exist; or the county council, by ordinance, has determined that unique circumstances make a negotiated direct sale in the best interests of the public;
3. County real property is traded for real property of similar value, or when county personal property is traded for personal property of similar value;
4. The facilities management division has determined that the county will receive a greater return on real property when it is listed and sold through a residential or commercial real estate listing service;
5. County personal property is traded in on the purchase of another article;

6. Property has been obtained by the county through the proceeds of grants or other special purpose funding from the federal or state government, wherein a specific public purpose or purposes are set forth as a condition of use for the property, that purpose or purposes to be limited to the provision of social and health services or social and health service facilities as defined in chapter 43.83D RCW, and it is deemed to be in the best interest of the county, in each instance, upon recommendation by the county executive and approval by the county council, that in order to fulfill the condition of use, the county may sell or otherwise convey the property in some other manner consistent with the condition of use; however, the county may only convey the property to private, nonprofit corporations duly organized according to the laws of the state of Washington, which nonprofit corporations are exempt from taxation under 26 U.S.C. Sec. 501(c) as amended, and which nonprofit corporations are organized for the purpose of operating social and health service facilities as defined by chapter 43.83D RCW;

7. The county property is sold for on-site development of affordable housing which provides a public benefit, provided that the developer has been selected through a request for proposals;

8. It is deemed to be in the public interest to restrict the use of the project for provision of social or health services or such other public purposes as the county deems appropriate;

9. The facilities management division for real property and the fleet administration division for personal property, in consultation with the county executive and the county council, may, in the best interests of the county, donate or negotiate the sale of either county surplus personal property or real property, or both, with bona fide nonprofit organizations wherein the nonprofit organizations provide services to the poor and infirm or with other governmental agencies with whom reciprocal agreements exist. Such transactions shall be exempt from the requirements of fair market value, appraisal((,)) and public notice. Where a department has identified personal property that is appropriate for surplus to nonprofit organizations, the department shall utilize the fleet administration division to manage the surplus process, and fleet administration shall ensure that the personal property is in good working order, that county data and inventory tags are removed and that consistent

records of donations and sales are retained. The facilities management division or fleet administration division, as applicable, also may, in the best interest of the county, procure services to support King County in lieu of payment with nonprofit organizations who provide services that will benefit the public. Such transactions are based upon the recommendation of the facilities management division or fleet administration division, as applicable, and the department having custodianship of the property. The facilities management division or fleet administration division, as applicable, shall maintain a file of appropriate correspondence or such information that leads to a recommendation by the division to the county executive and the county council to undertake such transactions, and such information shall be available for public inspection at the facilities management division or fleet administration division, as applicable. The facilities management division or fleet administration division, as applicable, may also seek reimbursement from the benefiting organization for the administrative costs of processing the surplus property;

10. The county property is a retired passenger van being made available in accordance with subsection ~~(D.)~~ E. of this section;

11. The county property is located in a historic preservation district within the Urban Growth Area and is sold to a nonprofit corporation or governmental entity for one-site mixed use development consistent with historic preservation requirements, which includes affordable housing and which may also include market rate housing, retail or other uses, and which is selected after a competitive request for proposal process; or

12.a. The county property is declared surplus to the future foreseeable needs of the county and sold to a governmental agency that will, consistent with Section 230.10.10 of the King County Charter, other applicable laws, regulations and contract restrictions, such as grant funding requirements, compensate the county for the real property as well as provide public benefits. For the purposes of this subsection, "public benefits" means benefits to the public that are in addition to the public benefit that may arise from the primary intended use of the property by the purchasing governmental agency and which may include, but are not limited to, the provision of affordable housing, open space or park land, child care facilities, public art beyond what is

required under applicable law, or monetary contribution toward such benefits.

b. A sale shall not qualify under the exception in K.C.C. 4.56.100.A.12.a. unless:

(1) before declaring the property surplus to the future foreseeable needs of the county under K.C.C. 4.56.070, because the property is neither necessary for the essential government services of any other county department nor needed by any other county department, the facilities management division must have recommended to the executive that engaging in a negotiated direct sale with that governmental agency would be in the best interests of the public; and

(2) within sixty days of the facilities management division making its recommendation, the executive shall report by letter the executive's intent to engage in the direct negotiation for the conveyance of the real property. The letter shall describe the proposed terms of the sale, including, but not limited to, the primary intended use of the property proposed by the governmental agency and the public benefits expected to be provided by the governmental agency. The letter shall be filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers and the lead staff to the budget and fiscal management committee or its successor.

c. Subsection A.12.b. of this section shall apply beginning January 1, 2018.

B. The county may, if it deems such action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from sale. The county may then renegotiate the sale of withdrawn property, providing the negotiated price is higher than the highest rejected bid.

C. In any conveyance of real property that requires construction of affordable housing in development of the property, the executive shall include covenants so that:

1. At least with respect to that construction, the prevailing rate of wage, as defined in RCW 39.12.010, shall be required to be paid to all worker classifications for which the state Department of Labor and Industries has established a prevailing rate of wage; and

2. At least with respect to that construction, state-certified apprentices for construction shall be

required to be used across the trades, including women, at-risk youth or people of color, with a fifteen percent apprentice utilization goal.

D. Whenever the procedures of a grant agency having an interest in real or personal property requires disposition in a manner different from the procedures set forth in this chapter, the property shall be disposed of in accordance with the procedures required by this chapter unless the grant agency specifically requires otherwise.

E. Each year, the Metro transit (~~(division)~~) department shall make available retired passenger vans for exclusive use by nonprofit organizations or local governments that are able to address the mobility needs of low-income, elderly or young people or people with disabilities. Each agency selected to receive a van must enter into an agreement with King County that provides that the agency will accept the van "as is" without guarantee or warranty expressed or implied and shall transfer title as prescribed by law before use. The council shall allocate the vans by motion to nonprofit organizations or local governments based upon the following criteria:

1. Demonstrated capacity to support ongoing van operation, including assured funding for licensing, insuring, fueling and maintaining the van;
2. Ability to provide qualified and trained drivers;
3. Specific plans for use of the van to transport low-income, elderly or young people or people with disabilities, and assurance that the use shall be available to those persons without regard to affiliation with any particular organization;
4. Geographic distribution of the van allocations in order to address the mobility needs of low-income, elderly or young people or people with disabilities countywide; and
5. Ability to support county's public transportation function by reducing single occupancy vehicle trips, pollution and traffic congestion; supplementing services provided by the county's paratransit system and increasing the mobility for the transit-dependent for whom regular transit might not always be a convenient option.

SECTION 16. Ordinance 12192, Section 1, as amended, and K.C.C. 4.56.195 are each hereby amended to read as follows:

In addition to disposing of surplus vanpool vehicles from the metropolitan public transportation function by public auction or sealed bid as provided elsewhere in this chapter, the county may dispose of such vehicles by negotiated direct sale if the fleet administration division determines such disposition method will likely yield higher returns to the county than the public auction or sealed bid methods.

A. The county may use the services of a broker under contract to the county to conduct such negotiated direct sales. If such sale will be conducted by a broker, the broker shall be selected and a contract awarded in accordance with the negotiated procurement policies set forth in K.C.C. chapter ~~((4.16))~~ 2.93. The provisions of the broker contract shall include the following:

1. The broker shall provide notice to the public of the availability of the vehicles;
2. The broker shall receive a commission as negotiated with the county and set forth in the broker contract;
3. The term of the broker contract may be for greater than one year but shall not exceed three years; and
4. The county reserves the right to transfer or sell vehicles outside of the broker contract to governmental, quasi-governmental and social service agencies and other parties selected by the executive or the council, as applicable, and in the event of such transfers or sales, shall owe no commission or other payments to the broker except to the extent the broker has incurred costs related to vehicles provided to the broker but subsequently withdrawn from the broker by the county.

B. Drivers of vanpool vehicles, as consideration for driving the vehicles, shall receive a credit against the purchase price of vanpool vehicles. The credit for drivers shall not exceed one thousand dollars based on a credit of twenty dollars for each month as a driver. The ~~((manager))~~ director of the Metro transit ~~((division of the department of transportation))~~ department shall determine the credit earned by each driver and submit such

determination to the manager of the fleet administration division.

SECTION 17. Ordinance 17390, Section 1, as amended, and K.C.C. 4.56.300 are each hereby amended to read as follows:

A. The ((F))fleet administration division shall annually identify countywide fleet standards for cars, trucks, sport utility vehicles and other nonrevenue vehicles. These standards shall apply to fleets managed by the Metro transit department as well as the fleet administration, solid waste(~~(, transit)~~) and airport divisions₂ and shall be developed as follows:

1. The fleet managers of the Metro transit department as well as the fleet administration, solid waste(~~(, transit)~~) and airport divisions shall annually review the inventory of cars, trucks, sport utility vehicles and any other nonrevenue vehicles identified to be replaced in the coming year. The fleet managers shall assign a standard for each class of vehicle. If a vehicle meeting the standard is not available through an existing procurement contract, the fleet managers shall collaborate to determine the best method of procurement of the vehicle;

2. To the extent practicable, the original equipment manufacturer's recommended routine maintenance schedules, as specified by the use of the vehicle, shall be adhered to for all nonrevenue county fleet vehicles. Fleet managers may, at their discretion, document and adjust the frequency of routine service intervals where a deviation from the recommended routine maintenance schedule is indicated due to factors including, but not limited to, vehicle age, mileage, service hours or operating environment;

3.a. Vehicle replacement cycles shall, to the extent practicable, be consistent for each class of vehicle. The optimal mileage at which each class of vehicle should be replaced shall be established by the fleet managers using criteria such as purchase price, depreciation and maintenance costs. All county fleets will apply the same criteria to establish the optimal mileage and the maximum life cycle.

b. Fleet managers shall prepare an alternative fuel technology vehicle integration plan, describing necessary and appropriate steps towards the successful integration of alternative fuel vehicles into the county

fleets. Plan elements may include:

- (1) a description of the challenges and barriers that alternative fuel vehicles may encounter in efforts to integrate them into the county fleet;
- (2) a description of opportunities for such vehicles in service to county government transportation needs;
- (3) identification and a specific timeline for ascertainment of needed planning and analytical information in support of plan preparation, including:
 - (a) vehicle maintenance and repair histories, and related information that will support development of appropriate vehicle life cycle replacement standards; and
 - (b) vehicle utilization data;
- (4) a summary of appropriate steps needed to integrate such vehicles into the county fleet; and
- (5) other elements.

c. The alternative fuel technology vehicle integration plan together with a motion providing for acknowledgement of the transmittal of the plan, shall be filed with the clerk of the council by March 31, 2014, who shall retain the original and provide an electronic copy to all councilmembers and the lead staff of the transportation, economy and environment committee or its successor;

4. The countywide fleet standards shall be evaluated by county fleet managers biannually, to coincide with the biennial budget cycle, and updated if needed;

5. The manager of the fleet administration division shall have lead responsibility for facilitating the biannual evaluation of countywide fleet standards.

B. The executive shall annually transmit an electronic copy and one paper copy of the King County fleet standards to the clerk of the council by August 31 for distribution to all councilmembers and the lead staff for the transportation, economy and environment committee, or its successor. The report shall include:

1. Vehicle types for purchase for standard passenger cars, trucks and sport utility vehicles for the next

calendar year;

2. Standard maintenance schedules for routine safety and service work for each type of vehicle; and
3. Vehicle life including both optimal mileage and maximum life cycle for vehicle replacement

planning.

SECTION 18. Ordinance 17935, Section 8, and K.C.C. 4A.200.418 are each hereby amended to read as follows:

- A. There is hereby created a marine capital fund.
- B. The fund shall be a first tier fund. It is an enterprise capital fund.
- C. The director of the Metro transit department (~~((of transportation))~~) shall be the manager of the fund.
- D. All receipts from transfers from the marine operating fund and revenues for marine division

passenger ferry capital purposes from bond proceeds, grants and other sources shall be deposited in the fund.

SECTION 19. Ordinance 15973, Section 81, as amended, and K.C.C. 4A.200.420 are each hereby amended to read as follows:

- A. There is hereby created the marine services operating fund.
- B. The fund shall be a first tier fund. It is an enterprise fund.
- C. The director of the Metro transit department (~~((of transportation))~~) shall be the manager of the fund.
- D. All proceeds generated by an ad valorem tax levy upon all taxable property in King County

authorized by RCW 36.54.130, all receipts from the operation of the King County marine division passenger ferry service, proceeds from grants, bonds and other revenues for passenger ferry services shall be deposited in the fund.

- E. All moneys in the fund shall be used for the purpose authorized in chapter 36.54 RCW.

SECTION 20. Ordinance 17527, Section 83, as amended, and K.C.C. 4A.200.530 are each hereby amended to read as follows:

- A. There is hereby created the public transportation infrastructure capital fund.

B. The fund shall be a first tier fund. It is a capital projects fund.

C. The director of the Metro transit department (~~(of transportation)~~) shall be the manager of the fund.

D. Consistent with any applicable bond covenants, all receipts deposited into the fund shall be from: sales and use taxes; federal, state and local grants; contract and partnership revenue; interest income; bond proceeds; property sale revenue; and transfers from the revenue stabilization fund and any transfers from other funds as appropriated by council for infrastructure and other capital projects for the fund. Receipts listed in this subsection for revenue fleet capital projects shall not be deposited in the fund.

E. Except as authorized by subsection D. of this section, the fund shall account for the infrastructure and other capital assets of the public transportation enterprise, excluding the revenue fleet.

SECTION 21. Ordinance 17527, Section 82, as amended, and K.C.C. 4A.200.540 are each hereby amended to read as follows:

A. There is hereby created the public transportation operating fund.

B. The fund shall be a first tier fund. It is an enterprise fund.

C. The director of the Metro transit department (~~(of transportation)~~) shall be the manager of the fund.

D. Consistent with applicable bond covenants, all receipts deposited into the fund shall be from: sales and use taxes, property taxes, fares, federal, state and local grants for noncapital purposes; contract and partnership revenue; interest income; property sale revenue; revenues from other county departments and divisions; other revenues sources as approved by a state and local authority, other miscellaneous revenues; and transfers from the revenue stabilization fund or any transfers from other funds as appropriated by council for the operating expenditures for the fund.

E. The fund shall provide for the receipt of revenues and disbursement of expenditures for the operation of the public transportation enterprise.

SECTION 22. Ordinance 18320, Section 2, and K.C.C. 4A.200.737 are each hereby amended to read as follows:

A. There is hereby created the transit revenue fleet capital fund.

B. The fund shall be a first tier fund. It is a capital projects fund.

C. The director of the Metro transit department (~~((of transportation))~~) shall be the manager of the fund.

D. Consistent with any applicable bond covenants and K.C.C. 4A.200.530.D., all receipts from sales and use taxes; federal, state and local grants; contract and partnership revenue; fares; interest income; bond proceeds; property sale revenues; and transfers from the revenue stabilization fund or any transfer from other funds as appropriated by council for revenue fleet capital projects for the public transportation fund shall be deposited into the fund.

E. The fund shall account for the revenue fleet capital assets of the public transportation enterprise, except as authorized by K.C.C. 4A.200.530.E.

SECTION 23. Ordinance 17527, Section 84, as amended, and K.C.C. 4A.200.740 are each hereby amended to read as follows:

A. There is hereby created the transit revenue fleet replacement fund.

B. The fund shall be a first tier fund. It is an enterprise restricted fund.

C. The director of the Metro transit department (~~((of transportation))~~) shall be the manager of the fund.

D. All receipts deposited into the fund shall be determined by the council by motion consistent with applicable bond covenants.

E. The fund shall provide for the receipt of revenues and disbursement of expenditures for the capital assets of the public transportation enterprise.

SECTION 24. Ordinance 18320, Section 3, and K.C.C. 4A.200.741 are each hereby amended to read as follows:

A. There is hereby created the transit revenue stabilization fund.

B. The fund shall be a first tier fund. It is an enterprise fund.

C. The director of the Metro transit department (~~((of transportation))~~) shall be the manager of the fund.

D. All revenues to maintain the target reserve balances, consistent with the transit fund management policies, shall be deposited into the fund consistent with applicable bond covenants.

E. The fund shall provide for the accumulation of resources to mitigate recessionary and other risk impacts on the public transportation enterprise.

SECTION 25. Ordinance 18398, Section 8, and K.C.C. 4A.601.025 are each hereby amended to read as follows:

Subject to appropriation by the county council, the following county departments and agencies are authorized to absorb the operational and business costs accepting electronic payments, including transaction processing costs, for the specified fees, fines, charges, fares or other payments listed:

A. The department of executive services, records and licensing services division, for payments for animal shelter, care and control and pet licensing purposes, including all fees, donations and penalties in K.C.C. 11.04.035;

B. District court for court-related fees, fines and other charges;

C. The department of natural resources and parks, parks and recreation division, for park services and facilities usage provided to the public;

D. The department of natural resources and parks, wastewater treatment division, for sewage capacity charges;

E. The department of natural resources and parks, solid waste division, for municipal solid waste fees;

F. The department of public health for public health environmental permits and community health clinic fees;

G. The department of permitting and environmental review for permitting and environmental review permit fees;

H. The department of information technology for geographic information system course fees; and

I. The Metro transit department ((of transportation, transit division, and the water taxi division,)) for

public transportation fares.

SECTION 26. Ordinance 17757, Section 5, and K.C.C. 4A.700.490 are each hereby amended to read as follows:

The director of ~~((transportation))~~ the Metro transit department may implement and administer a low-income transit fare program using the existing smart card One Regional Card for All, also known as ORCA, system. The eligibility threshold for the low-income fare is set at two hundred percent of the federal poverty level.

SECTION 27. Ordinance 17096, Section 3, as amended, and K.C.C. 4A.700.700 are each hereby amended to read as follows:

A. User fees are established for public use of electric vehicle charging station stalls located on property owned or leased by King County.

B. The Metro transit department ~~((of transportation))~~ shall set the user fees for the use of electric vehicle charging stations stalls in accordance with this section.

C.1. The user fees shall be calculated as a single, per-use fee intended to cover the county's cost of operations related to public use.

2. The county's cost of operations includes, but is not limited to, planning, outreach and administration, maintenance, charging station vendor costs, utility costs related to the charging stations and facility enforcement costs.

3. Differing user fees may be established at particular locations and for uses other than typical daytime parking, such as overnight parking, monthly reservations, special event rates and other specific circumstances.

D. The Metro transit department ~~((of transportation))~~ shall review all user fees twice each year and adjust the fees based on consideration for the costs established in subsection C. of this section. However, user fees shall not exceed five dollars per use.

E. The Metro transit department ~~((of transportation))~~ shall post user fees, rules for using the electric

vehicle charging station stalls and the penalties for improper use of electric vehicle charging station stall at or near the stalls either via the electronic screen on the charging device or by signage affixed on or near the charging device. The department also shall post the fees, rules and penalties in an appropriate location on the department (~~(of transportation)~~) website.

F. Failure to pay the applicable user fee or remaining in an electric vehicle charging station stall longer than entitled as a result of the user fee paid, is a violation of this section.

G. The penalty for a violation under subsection F. of this section may result in a civil penalty in an amount established by the department by rule, in accordance with K.C.C. chapter 2.98, not to exceed two hundred dollars. Notice and appeal of the civil penalty shall be as follows:

1. The department shall issue a notice and order and serve it as provided for in this section when the department determines that a violation described in subsection F. of this section has occurred. The notice and order shall contain:

a. a description of the vehicle parked in violation of this section, including make, model, color and license plate number;

b. date and time the notice and order was issued;

c. a description sufficient to identify the area where the vehicle was parked when the violation was discovered;

d. a statement that the vehicle is parked in violation of subsection F. of this section, with a brief and concise description of the conditions that established the violation;

e. a statement that the department is assessing a civil penalty, the amount of the penalty and a time certain by which the penalty shall be paid from the date of the order; and

f. statements advising that:

(1) the director of (~~(transportation)~~) the Metro transit department may review and reconsider the notice and order, but only if a request for review and reconsideration is made in writing as provided in this

section and filed with the director within ten days from the date of service of the notice and order;

(2) the address to which the request for review and reconsideration must be sent; and

(3) failure to timely request director's review and reconsideration will constitute a waiver of all rights to any administrative hearing and determination of the matter;

2. The notice and order, and any amended or supplemental notice and order, shall be served by affixing the notice and order to the vehicle for which is the subject of the violation, in a conspicuous location on the vehicle;

3. Proof of service of the notice and order shall be made at the time of service by a written declaration under penalty of perjury, executed by the person effecting service and declaring the time, date and manner in which service was made. A copy of the notice and order shall be kept on file by the Metro transit department (~~of transportation~~);

4. A person served with a notice and order under this section may request in writing, within ten days of being served with a notice and order, that the director review and reconsider the notice and order;

5. The review shall be performed without a hearing and be based solely on written information provided by the person requesting review and by county personnel or agents;

6. Upon review, the director may uphold the notice and order or waive or reduce the fine or any other penalty contained in the notice and order;

7. The director shall mail the written decision to the person requesting review;

8. The decision shall notify the person requesting review of the right to appeal the director's decision in accordance with K.C.C. 20.22.080;

9. The King County office of the hearing examiner shall hear appeals of the director's decisions under this section;

10. The procedures for initiating and conducting the appeal shall be governed by K.C.C. chapter 20.22;

11. Enforcement of any notice and order of the department shall be stayed during the pendency of a director's review or an appeal therefrom that is properly and timely filed in accordance with K.C.C. chapter 20.22;

12. The registered owner of a vehicle is liable to pay any civil penalty imposed for a violation under this section. However, the registered owner of a vehicle may avoid liability if the owner proves that the vehicle was reported to the police as a stolen vehicle before the notice and order was issued, and the vehicle had not been recovered;

13. Except as otherwise provided in subsection G.12. of this section, a civil penalty imposed for failure to pay a user fee at a King County Metro transit department (~~(of transportation)~~) facility is a personal obligation of the registered owner of the vehicle involved; and

14. If the penalties assessed by the department are not paid to King County within thirty days from the service of the notice, the mailing of the director's decision, or the mailing of the hearing examiner's decision, whichever occurs last, then the department may send a final warning letter to the registered owner of the vehicle to the address on file with the state Department of Licensing. If the civil penalties are not paid within ten days after the final warning letter is sent, then the department may pursue other applicable legal remedies. In pursuing payment of civil penalties that remain delinquent after the final warning letter is sent, and to cover administrative expenses associated with the pursuit of the penalties, the department may charge the registered owner of the vehicle an additional fee not to exceed fifty percent of the total delinquent civil penalties.

H. All user fees and civil penalties authorized in this section shall be deposited into the public transportation operating account of the public transportation fund and used to support the electric vehicle charging station program.

I. In addition or as an alternative to the civil penalty authorized in subsection G. of this section, the department may impound the vehicle without giving prior notice in accordance with the process provided in K.C.C. chapter (~~(14A.XX (the new chapter created in Ordinance 18743, Section 38))~~) 14A.60. When

impoundment is authorized by this section, a vehicle may be impounded by a towing contractor acting at the request of the director or the director's designee. The director or the director's designee shall provide to the towing contractor a signed authorization for the tow and the impound before the towing contractor may proceed with the impound.

SECTION 28. Ordinance 17422, Section 3, as amended, and K.C.C. 4A.700.750 are each hereby amended to read as follows:

A. Fees are established for on-demand use of bicycle lockers installed at King County transit passenger facilities to partially offset the cost to establish and operate the on-demand locker program. All fees charged under authority of this section shall be used to support the on-demand locker program. Any revenue collected by the Metro transit department (~~((of transportation))~~) under authority of this section shall be deposited into the public transportation operating account of the public transportation fund.

B. The program's costs include, but are not limited to, contract administration, facility construction, operation and maintenance, vendor selection costs and customer support.

C. The Metro transit department (~~((of transportation))~~) shall set the fee or a range of fees for on-demand use of bicycle lockers in accordance with this section.

D. The Metro transit department (~~((of transportation))~~) shall calculate fees or a range of fees for on-demand bicycle lockers. The initial maximum fee rate for on-demand use of bicycle lockers shall not exceed ten cents per hour. Factors considered in setting the fee include a review of average rates for use of bicycle lockers at other transit agencies; the desire to establish a value for this service; the need to partially recoup operational costs; and recognition that rates should be set low enough to stimulate demand and encourage more people to participate in the on-demand locker program. The department may round up the actual fee charged to the next full hour.

E. The Metro transit department (~~((of transportation))~~) shall post fees and rules for on-demand use of

bicycle lockers on signs on or near the lockers. The department shall also post the fees, rules and penalties on the Metro transit department (~~((of transportation))~~) website.

F. The Metro transit department (~~((of transportation))~~) may suspend or revoke use privileges of a user who:

1. Fails to pay the applicable fee;
2. Uses an on-demand bicycle locker for long-term storage;
3. Damages or abuses an on-demand bicycle locker; or
4. Uses any bicycle locker for any purpose other than short-term storage of a bicycle and related

bicycle equipment.

G. In addition, the Metro transit department (~~((of transportation))~~) may remove or impound property from a bicycle locker for documented failure to comply with posted rules. The department shall make a reasonable, good-faith effort to contact the owner of any property impounded for violation of posted rules, and to return the impounded property to the owner.

H. Within a range of fees set as authorized under subsection C. of this section, the Metro transit department (~~((of transportation))~~) may vary the fee for on-demand bicycle locker use where there is a reasonable basis to do so, including, but not limited to, factors such as location, time, demand or usage patterns.

I. The Metro transit department (~~((of transportation))~~) shall review the fees for on-demand use of bicycle lockers at least once per year.

J. Once the fee or range of fees for on-demand use of bicycle lockers is set, the Metro transit department (~~((of transportation))~~) may not increase the hourly fee, or the upper end of the hourly fee range, more than one hundred percent of that which is in place for the hourly fee or range, unless the department is authorized to do so by the council by ordinance. The department may not increase the fees or the upper end of the range of fees for on-demand use of bicycle lockers, within one hundred twenty days of a previous increase to the fee or range, unless the department is authorized to do so by the council by ordinance. However, for the

convenience of bicycle locker users, the department may round up an increase in the hourly fee or fee range to the next highest increment of five cents, even if such rounding up would cause the hourly fee or fee range increase to exceed one hundred percent.

K. The Metro transit department (~~((of transportation))~~) may contract with a vendor or other agent to operate the on-demand bicycle locker rental program.

SECTION 29. Ordinance 16943, Section 4, and K.C.C. 4A.700.800 are each hereby amended to read as follows:

A. The Metro transit (~~((division))~~) department shall assess a one-thousand-dollar fee to process each request to deactivate trolleybus wires for work related to construction projects taking place along electric trolleybus routes. The fee shall be payable in advance by the applicant. One-half of the fee shall be refundable if the applicant provides the department with a cancellation notice in sufficient time for the department to reassign trolleybuses to the affected routes and avoid the cost to deactivate the trolleywires and provide diesel substitute service. Parties may be exempt from paying the fee if prior agreements with the county exist as of October 25, 2010.

B. In addition to the fee assessed under subsection A. of this section, the applicant shall also reimburse the Metro transit (~~((division))~~) department for actual costs incurred by the (~~((transit division))~~) department to deactivate the trolleywires and provide diesel substitute service in excess of one thousand dollars.

C.1. The Metro transit (~~((division))~~) department shall establish by rule a procedure for collection of the fee assessed under subsection A. of this section, including provisions for advance payment and refunding the fee if the department receives a cancellation notice in time to avoid incurring additional actual costs to deactivate the trolleywires and provide diesel substitute service.

2. The Metro transit (~~((division))~~) department shall establish by rule a procedure for recovering the actual costs incurred by the (~~((division))~~) department to deactivate the trolleywires and provide diesel substitute service, as authorized under subsection B. of this section.

SECTION 30. Ordinance 7590, Section 7, as amended, and K.C.C. 9.08.060 are each hereby amended to read as follows:

A. It is the finding of the county that the majority of the basins in the service area are shared with incorporated cities and towns. In order to achieve a comprehensive approach to surface and storm water management the county and incorporated jurisdictions within a specific basin shall coordinate surface and storm water, management services. In addition, the program may contract for services with interested municipalities or special districts including but not limited to sewer and water districts, school districts, port districts or other governmental agencies.

B. It is the finding of the county that many of the difficulties found in the management of surface and storm water problems are contributed to by the general lack of public knowledge about the relationship between human actions and surface and storm water management. In order to achieve a comprehensive approach to surface and storm water management the county should provide general information to the public about land use and human activities that impact surface and storm water management. Pursuant to RCW 36.89.085, it is the finding of the county that public school districts can provide significant benefits to the county regarding surface and storm water management through educational programs and community activities related to protection and enhancement of the surface and storm water management system. These programs and activities can provide students with an understanding of human activities and land use practices that create surface and storm water problems and involve students by learning from first hand exposure, the difficulties of resolving surface and storm water management problems after they occur.

C. It is the finding of the county that technical assistance and community education have been shown to be a cost-effective means of improving the management of the impacts of surface and storm water runoff. Technical assistance and community education regarding stewardship enables King County, its residents and businesses to comply with federal, state and local mandates and enables the county to protect its quality of life and its natural resources. The promotion of stewardship is an integral part of a comprehensive surface and

storm water management program.

D. It is the finding of the county that developed parcels contribute to an increase in surface and storm water runoff to the surface and storm water management system. This increase in surface and storm water runoff results in the need to establish rates and charges to finance the county's activities in surface and storm water management. Developed parcels shall be subject to the rates and charges of the surface water management program based on their contribution to increased runoff. The factors to be used to determine the degree of increased surface and storm water runoff to the surface and storm water management system from a particular parcel shall be the percentage of impervious surface coverage on the parcel, the total acreage of the parcel and any mitigating factors as determined by King County.

E. It is the finding of the county that undeveloped parcels do not contribute as much as developed parcels to an increase in surface and storm water runoff into the surface and storm water management system. Undeveloped properties shall be exempt from the rates and charges of the surface water management program.

F. It is the finding of the county that maintained drainage facilities mitigate the increased runoff contribution of developed parcels by providing on-site drainage control. Parcels served by flow control facilities that were required for development of the parcel pursuant to K.C.C. chapter 9.04 and approved by King County or can be demonstrated as required in K.C.C. 9.08.080 by the property owner to provide flow control of surface and storm water to the standards in K.C.C. chapter 9.04 shall receive a discount as provided in the rates and charges of the surface water management program, if the facility is maintained at the parcel owner's expense to the standard established by the department.

G. It is the finding of the county that improvements to the quality of storm water runoff can decrease the impact of that runoff on the environment. Parcels served by water quality treatment facilities that were required for development of the parcel pursuant to K.C.C. chapter 9.04 and approved by King County or that can be demonstrated as required in K.C.C. 9.08.080 by the property owner to provide treatment of surface and storm water to the standards in K.C.C. chapter 9.04 shall receive a discount as provided in the rates and charges

of the surface water management program, if the facility is maintained at the parcel owner's expense to the standard established by the department.

H. It is the finding of the county that parcels with at least sixty-five percent of their land in forest, no more than twenty percent in impervious surface, and dispersed runoff from the impervious surface through the forested land resulting in an effective impervious area of ten percent or less for the entire parcel, do not contribute as much to an increase in surface and storm water runoff as properties with less forest that do not disperse. These properties shall be eligible to receive a discount as provided in the rates and charges of the surface water management program if the runoff from the impervious surface is dispersed in accordance with the standards established by the department.

I. It is the finding of the county that parcels that make use of their pervious surface area to absorb storm water runoff from the impervious surfaces do not contribute as much to an increase in surface and storm water runoff as properties that do not use their pervious area to absorb runoff. These properties shall be eligible to receive a discount as provided in the rates and charges of the surface water management program if the runoff from the impervious surface is dispersed in accordance with the standards established by the department.

J. It is a finding of the county that open space properties provide a benefit to the surface and storm water management system by the retention of property in an undeveloped state. Open space properties shall receive a discount from the rates and charges to encourage the retention of property as open space.

K. It is a finding of the county that current scientific studies demonstrate that conservation and maintenance of forestland and open space contribute to the proper management of surface water quality and quantity. The scientific analysis performed in connection with the Cedar river, Issaquah creek and Bear creek basin plans have demonstrated that forests intercept and evaporate more rainfall, provide more soil storage, retain and trap more sediments and purify contaminated water better than any other land use. Conservation and maintenance of public forests, the provision of technical assistance and encouragement to private landowners to retain forests are effective ways to prevent disruption of natural hydrology. Open Space lands, to the extent that

they retain their natural condition and do not contain impervious surface, also perform an important surface water function by not detracting from the functioning of natural hydrology systems. Conservation and maintenance of publicly owned open space and forestland is often more cost-effective than building and maintain artificial or engineered surface and storm water management facilities. Additional financial resources are required to conserve and maintain those natural resource lands that serve important surface and storm water management functions.

L. It is a finding of the county that the majority of the parcels in the service area are residential. The variance between residential parcels in impervious surface coverage is found to be minor and to reflect only minor differences in increased runoff contributions. The administrative cost of calculating the service charge individually for each residential parcel and maintaining accurate information would be very high. A flat charge for residential parcels is less costly to administer than calculating a separate charge for each parcel and is equitable because of the similarities in impervious surface coverage between residential parcels. Therefore, residential parcels shall be charged a flat charge based upon an average amount of impervious surface.

M. It is a finding of the county that very lightly developed nonresidential parcels that have an impervious surface coverage of ten percent or less of the total parcel acreage are characterized by a very low intensity of development and generally a large number of acres. A greater number of acres of undeveloped land associated with an impervious surface results in significantly less impact to the surface and storm water management system. Many of the very lightly developed properties are recreational, agricultural and timber lands identified in the King County Comprehensive Plan and should be encouraged to retain their low intensity of development. These parcels shall be charged a flat rate to encourage the retention of large areas of very lightly developed land.

N. It is the finding of the county that lightly to very heavily developed nonresidential parcels that have an impervious surface coverage of more than ten percent have a substantial impact on the surface and storm water management system. The impact of these parcels on the surface and storm water management system

increases with the size of the parcels. Therefore, lightly to very heavily developed properties shall be charged a rate determined by the percent of impervious surface coverage multiplied by the parcel acreage.

O. It is a finding of the county that county and state roads contribute a significant amount of increased runoff to the surface and storm water management system, which contributes to the need for basin planning, drainage facilities and other related services. However, both the county roads and state highway programs provide substantial annual programs for the construction and maintenance of drainage facilities, and the roads systems and their associated drainage facilities serve as an integral part of the surface and storm water management system. The rate charged county roads and state highways shall reflect the benefit that county roads and state highway facilities provide to the surface and storm water management system. County and state road drainage systems unlike the drainage systems on other properties are continually being upgraded to increase both conveyance capacity and control. It is envisioned that the roads program will work cooperatively with the surface water management program to improve regional surface and storm water management services as new information is available from basin plans and other sources. The percentage of impervious surface coverage for county roads and state highways shall be calculated by dividing average width of roadway and shoulder by the average width of the right of way. The service charge shall be calculated in accordance with RCW 90.03.525.

P. It is the finding of the county that comprehensive management of surface and storm water runoff must include anticipation of future growth and development in the design and improvement of the surface and storm water management system. Service charge revenue needs shall be based upon the present and future requirements of the surface and storm water management system, and these needs shall be considered when determining the rates and charges of the program.

Q. It is the finding of the county that basin plans are essential to establishing a comprehensive approach to a capital improvement program, maintenance of facilities and regulation of new developments. A plan should analyze the measures needed to control surface and storm water runoff that results from existing and

anticipated development within the basin. The measures investigated to control runoff should include land use regulation such as setback requirements or community plan revisions that revise land use densities as well as the use of drainage facilities. A plan also should recommend the quantity and water quality runoff control measures required to further the purposes set forth in K.C.C. 9.08.040, and community goals. The institutional requirements and regulations, including but not limited to land use management, funding needs, and incentives for preserving the natural surface water drainage system should be identified in the plan. The proposed ordinances and regulations necessary to implement the plan shall be transmitted to the council simultaneously with the plan.

R. It is a finding of the county that the federal government has increased requirements concerning surface water quantity and control. The federal Clean Water Act, implemented through municipal storm water NPDES permits, mandates a wide variety of local programs to manage surface water and improve water quality. Compliance will increasingly be measured by the effectiveness of King County's surface water and water quality programs. The NPDES permit impacts operations in the roads, solid waste, ~~((transit and))~~ and airport divisions~~((, the airport))~~ and the department of permitting and environmental review and the Metro transit department, and most activities in the water and land resources division.

S. It is a finding of the county that Chinook salmon were listed as a threatened species in March 1999, and bull trout were listed as a threatened species in November 1999, under the federal Endangered Species Act. These listings focus the need for higher standards in managing surface water including new, expanded and more intensive programs to control the quantity of runoff as well as its quality. Programs responding to these imperatives have included the design, permitting and construction of facilities, facility retrofitting and maintenance, habitat acquisition and restoration, monitoring, regulation development and coordination with other agencies on transboundary issues.

T. It is the finding of the county that areas with development related surface and storm water problems require comprehensive management of surface and storm water.

U. It is the finding of the county that additional surface and storm water runoff problems may be caused by new land use development if not properly mitigated both through protection of natural systems and through constructed improvements. The Surface Water Design Manual and K.C.C Titles 9, 16, 20 and 21A have been adopted by King County to mitigate the impact of land use development. Further mitigation of these impacts is based on expertise that continues to evolve as new information on our natural systems is obtained and new techniques are discovered. The surface water management program, through reconnaissance studies, basin plans, and other special studies, will continuously provide valuable information on the existing problems and areas of the natural drainage system that need special protection. The county is researching and developing methods to protect the natural drainage system through zoning, buffering and setbacks to alleviate existing problems. Setback and buffering measures allow natural preservation of wetlands and stream corridors to occur, alleviate erosion and water pollution and provide a safe environment for the small mammals and fish that inhabit sensitive areas. Based upon the findings in this subsection, and as information and methods become available, the executive, as appropriate shall draft and submit to the council, regulations and development standards to allow protection of the surface and storm water management system including natural drainage systems.

V. It is the finding of the county that the unique stormwater needs of the unincorporated rural area of the county require that the county's surface water management program established under chapter 36.89 RCW develop a rural drainage program. The intent of this rural drainage program is to provide a means through which existing and emerging surface water problems in the rural areas can be addressed in a manner that preserves both rural resources and rural activities including agriculture and forestry. Rural drainage services provided by the division shall support a rural level of development and not facilitate urbanization. This rural drainage program shall result in a program consistent with Countywide Planning Policies and King County Comprehensive Plan policies.

W. The program will maintain long-term fiscal viability and fund solvency for all of its related funds.

All required capital and operating expenditures will be covered by service charges and other revenues generated or garnered by the program. The program will pay all current operating expenses from current revenues and will maintain an operating reserve to minimize service impacts due to revenue or expenditure variances from plan during a fiscal year. This reserve will be calculated based on the historic variability of revenue and expenditures. The program will adopt a strategic financial planning approach that recognizes the dynamic nature of the program's fiscal operating environment. Long-term projections will be updated in the program's adopted strategic plan. One-time revenues will be dedicated to one-time-only expenditures and will not be used to support ongoing requirements. The program's approach to financial reporting and disclosure will be comprehensive, open and accessible.

X. The program shall prepare an annual, multiyear capital improvement program that encompasses all of the program's activities related to the acquisition, construction, replacement, or renovation of capital facilities or equipment. All proposed new facilities will be subject to a consistent and rigorous needs analysis. The program's capital facilities will be planned and financed to ensure that the benefits of the facilities and the costs for them are balanced over time.

Y. The program will manage its debt to ensure continued high credit quality, access to credit markets, and financial flexibility. All of the program's debt management activities will be conducted to maintain at least the current credit ratings assigned to the county's debt by the major credit rating agencies and to maintain an adequate debt service coverage ratio. Long-term debt will not be used to support operating expenses. The program will develop and maintain a central system for all debt-related records that will include all official statements, bid documents, ordinances indentures, leases, etc., for all of the program's debt and will accurately account for all interested earnings in debt-related funds. These records will be designed to ensure that the program is in compliance with all debt covenants and with state and federal laws.

SECTION 31. Ordinance 1709, Section 6, as amended, and K.C.C. 13.24.080 are each hereby amended to read as follows:

A utilities technical review committee is created consisting of the following representatives:

- A. Two representatives from the department of natural resources and parks, one to be appointed by the department's director and one to be the director or the director's designee;
- B. The director of the department of transportation or the director's designee;
- C. The director of the Metro transit department or the director's designee;
- D. The director of the department of permitting and environmental review or the director's designee;
- ~~((D.))~~ E. The director of the Seattle-King County department of public health or the director's designee;
- ~~((E.))~~ F. The director of the facilities management division of the department of executive services or the director's designee;
- ~~((F.))~~ G. One representative from the King County council staff; and
- ~~((G.))~~ H. The county demographer.

SECTION 32. Ordinance 16147, Section 2, as amended, and K.C.C. 18.17.010 are each hereby amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Capital project" refers to a project with a scope that includes one or more of the following elements: acquisition of a site or acquisition of an existing structure, or both; program or site master planning; environmental analysis; design; construction; major equipment acquisition; reconstruction; demolition; or major alteration of a capital asset. A capital project shall include: a project program plan; scope; budget by task; and schedule.

B. "County green building team" or "green building team" means a group that includes representatives from county agencies with capital project or building management staff including, but not limited to, the department of transportation, the Metro transit department, the department of natural resources and parks, the department of executive services, the department of permitting and environmental review, the department of

public health, the historic preservation program and the department of community and human services. The members represent staff with expertise in project management, construction management, architecture, landscape architecture, environmental planning, design, engineering, historic preservation and resource conservation, public health, building energy systems, building management, budget analysis and other skills as needed. The green building team provides assistance and helps to disseminate information to project managers in all county agencies.

C. "Facility" means all or any portion of buildings, structures, infrastructure, sites, complexes, equipment, utilities and conveyance lines.

D. "GreenTools program" means the support team located within the solid waste division of the department of natural resources and parks that provides green building technical assistance to county divisions, cities and the general public within King County.

E. "Integrative design process" means an approach to project design that seeks to achieve high performance on a wide variety of well-defined environmental and social goals while staying within budgetary and scheduling constraints. It relies on a multidisciplinary and collaborative team whose members make decisions together based on a shared vision and a holistic understanding of the project. It is an iterative process that follows the design through the entire project life, from predesign through operation.

F. "Leadership in Energy and Environmental Design" or "LEED" means a voluntary, consensus-based national standard for developing high-performance, sustainable buildings, created by the United States Green Building Council.

G. "LEED-eligible building" means a project larger than five thousand gross square feet of occupied or conditioned space that meets the minimum program requirements for LEED certifications.

H. "Major remodel or renovation" means work that demolishes space down to the shell structure and rebuilds it with new interior walls, ceilings, floor coverings and systems, when the work affects more than twenty-five percent of a LEED-eligible building's square footage and the affected space is at least five thousand

square feet or larger.

I. "Minor remodel or renovation" means any type of remodel or renovation that does not qualify as a major remodel or renovation.

J. "New construction" means a new building or structure.

K. "Present value" means the value on a given date of a future payment or series of future payments, discounted to reflect the time value of money and other factors such as investment risk.

L. "Retrocommissioning" is a detailed, systematic process for investigating an existing building's operations and identifying ways to improve performance. The primary focus is to identify operational improvements to obtain comfort and energy savings.

M. "Sustainable development practices" means whole system approaches to the design, construction and operation of buildings and infrastructure that help to mitigate the negative environmental, economic, health and social impacts of construction, demolition, operation and renovation while maximizing the facilities' positive fiscal, environmental and functional contribution. Sustainable development practices recognize the relationship between natural and built environments and seek to minimize the use of energy, water and other natural resources while providing maximum benefits and contribution to service levels to the system and the connecting infrastructures.

N. "Sustainable infrastructures" means those infrastructures and facilities that are designed, constructed and operated to optimize fiscal, environmental and functional performance for the lifecycle of the facility. Sustainable performance of infrastructure shall be determined through an integrated assessment, one that accounts for fiscal, environmental and functional costs and benefits, over the life of the facility.

O. "Sustainable Infrastructure Scorecard" is an alternative green building and sustainable development rating system developed by the county green building team as required by K.C.C. 18.17.020.E. The Sustainable Infrastructure Scorecard was developed for capital projects that are not eligible for the LEED rating system.

SECTION 33. Ordinance 16147, Section 3, as amended, and K.C.C. 18.17.020 are each hereby amended to read as follows:

A. The intent of this policy is to ensure that the planning, design, construction, remodeling, renovation, maintenance and operation of any King County-owned or financed capital project is consistent with the latest green building and sustainable development practices.

B. This policy applies to all King County-owned or lease-to-own capital projects, excluding projects that have already completed thirty percent of the design phase by August 1, 2014. This policy also applies to housing projects partly or totally financed by King County that are required by law to follow statewide green building standards in that it requires such projects to report on the statewide green building standards.

C. All capital projects to which this chapter applies shall utilize relevant green building and sustainable development criteria to implement sustainable development practices in planning, design, construction and operation as set forth in this chapter.

D. All LEED-eligible new construction shall be registered through the United States Green Building Council and should plan for and achieve a LEED Platinum certification, as long as a Platinum certification can be achieved with no incremental cost impact to the general fund over the life of the asset and an incremental cost impact of no more than two percent to other funds over the life of the asset, as compared to a project that is not seeking a green building or sustainable development rating system certification. The incremental cost impact shall be determined as described in subsection G. of this section.

E. All LEED-eligible major remodels and renovations shall be registered through the United States Green Building Council and should plan for and achieve a LEED Gold certification, as long as a Gold certification can be achieved with no incremental cost impact to the general fund over the life of the asset and an incremental cost impact of no more than two percent to other funds over the life of the asset, as compared to a project that is not seeking a green building or sustainable development rating system certification. The incremental cost impact shall be determined as described in subsection G. of this section.

F. All capital projects, where the scope of the project or type of structure limits the ability to achieve LEED certification, shall incorporate cost-effective green building and sustainable development practices based on relevant LEED criteria and other applicable sustainable development goals and objectives. These projects shall use the King County or division-specific Sustainable Infrastructure Scorecard, along with guidelines for using the scorecard. Each Sustainable Infrastructure Scorecard project shall plan for and achieve a Platinum rating as long as a Platinum rating can be achieved with no incremental cost impact to the general fund over the life of the asset and an incremental cost impact of no more than two percent to other funds over the life of the asset as compared to a project not achieving a green building or sustainable development rating. The incremental cost impact shall be determined as described in subsection G. of this section. If a Platinum rating cannot be achieved with no incremental cost impact to the general fund and an incremental cost impact of no more than two percent to other funds over the life of the asset as compared to a project not achieving a green building or sustainable development rating, a Sustainable Infrastructure Scorecard project shall plan for and achieve a Gold rating. If a Gold rating cannot be achieved with no incremental cost impact to the general fund over the life of the asset and an incremental cost impact of no more than two percent to other funds over the life of the asset, Sustainable Infrastructure Scorecard projects shall plan for and achieve a silver rating where practicable. Silver is the lowest allowable rating for Sustainable Infrastructure Scorecard projects. For small, related capital projects that are implemented as part of a program, a project scorecard and reporting requirements may be done for the program rather than for each individual small project. For reporting purposes, county divisions may apply a single Sustainable Infrastructure Scorecard for a bundle of small capital projects in the most efficient manner as determined by the county division director to reflect the division's line of business.

G.1. For each project subject to subsections E. and F. of this section, at or before the time the project has reached thirty percent of the design phase, the project team shall conduct an analysis that determines the incremental costs for achieving the rating required in subsection D. or E. of this section as compared to a

project that is not seeking a green building or sustainable development rating system certification. The analysis shall include the up-front incremental construction costs, the up-front costs of registration and certification and the present value of operations and maintenance cost savings over the life of the asset. For the purposes of this analysis, operations and maintenance cost savings shall be comprised of projected costs the county will incur over the life of the asset. The costs included in this analysis shall be quantifiable, documented and verifiable by third-party review upon project completion and thereafter.

2. At thirty percent of the design phase and project completion, the project team shall submit to the green building team a completed LEED checklist or Sustainable Infrastructure Scorecard that documents which LEED or scorecard points that the project expects to achieve.

3. For projects achieving a LEED rating, the project team shall ensure that energy efficiency is given the highest priority. Project teams shall submit a completed LEED checklist, which documents which LEED points the project team expects to achieve, to the green building team, initially at the schematic or thirty percent design phase of the project and then at the completion of the project.

4. If it is determined that costs are too high to achieve a LEED rating required in subsection D. or E. of this section, or that the project is unable to achieve that rating for technical reasons, projects shall achieve the highest rating possible with no incremental cost impact to the general fund over the life of the asset and an incremental cost impact of no more than two percent to other funds over the life of the asset as compared to a project that is not seeking a green building or sustainable development rating system certification. There may be extenuating circumstances for some LEED-eligible projects that make it cost prohibitive to achieve any level of LEED certification. These projects must submit a written summary to the director of the department managing the project for approval, documenting the reasons why the project is not getting a LEED certification.

H. All housing projects financed by King County and owned and managed by either a housing authority or nongovernmental agency under contract with King County that are required by RCW 39.35D.080 or other applicable authority to use a statewide green building standard for affordable housing, shall submit a copy of

the green building standard checklist to the green building team. The department of community and human services shall submit the statewide green building standard checklist to the green building team at project completion.

I. Transit oriented development initiated by the Metro transit department shall follow the same green building standards and requirements as other King County capital projects. If required by RCW 39.35D.080 and other applicable authority, transit-oriented affordable housing projects in which the affordable housing is financed in whole or in part by King County shall follow the statewide green building standards.

J. A project may request use of an alternative green building or sustainability rating system in lieu of LEED or the Sustainable Infrastructure Scorecard. Alternative green building and sustainable rating systems include: the Evergreen Sustainable Development Standard, administered by the Washington state Department of Commerce; the Built Green Four-Star administered by the Master Builders Association of King and Snohomish Counties; Sustainable Sites Initiative Program, developed by the American Society of Landscape Architects and Lady Bird Johnson Wildflower Center and United States Botanical Garden; Salmon Safe founded by the Stewardship Partners; or the Living Building Challenge administered by the International Living Future Institute. A project manager shall make a request to use an alternative green building rating system to the department director responsible for that project and to the green building team if a project elects not to use the LEED Rating System. The project's department director in consultation with the Green Building Team, shall make the final determination. All projects using an alternative green building or sustainable development rating system shall plan for and achieve the highest certification level that can be achieved with no incremental cost impact to the general fund over the life of the asset and an incremental cost impact of no more than two percent to other funds over the life of the asset, as compared to a project that is not seeking certification.

K. For those projects that only involve making either renewable energy improvements or energy efficiency improvements, or both, at or before the project has reached thirty percent of the design phase, the

project team shall conduct an analysis that determines the incremental costs of making such improvements. The costs to be included in this analysis shall include the up-front incremental construction costs and the present value of the operations and maintenance cost savings over the life of the asset. For the purposes of this analysis, operations and maintenance cost savings shall be comprised of projected costs the county will incur over the life of the asset. The costs included in this analysis shall be quantifiable, documented and verifiable by third-party review upon project completion and thereafter.

L. To help achieve a standard level of green building operations in existing buildings, the green building team, in coordination with divisions that have capital project or building management staff and the GreenTools technical support team, shall develop a set of both mandatory and recommended green building operational guidelines for divisions to incorporate into their facility operations procedures. The guidelines shall provide direction on the use of green practices in minor remodels and renovations, water and energy conservation, waste reduction and recycling expectations, green cleaning standards and retrocommissioning to improve a facility's operating performance.

M.1. The executive shall report on the progress of implementing this section in accordance with K.C.C. 18.50.010. Reporting requirements and criteria for green building metrics shall be consistent with the annual environmental sustainability report on King County's climate, energy, green building and environmentally preferred purchasing programs and the Strategic Climate Action Plan. Required green building reporting criteria shall be included in the county's project information center database, managed by the office of performance, strategy and budget. The project information center database shall be compatible and function with all county division capital project management systems to streamline and avoid duplicative reporting efforts. The green building team's program manager shall have access to data in the project information center database. All divisions responsible for capital improvement projects or facility management shall provide information detailing the green building and sustainable development accomplishments for the previous year. The information shall be provided to the green building team, either in hard copy or electronically. Information

to be submitted shall include, but not be limited to:

- a. the total number of capital projects a division is responsible for;
- b. the total number of LEED projects;
- c. the total number of Sustainable Infrastructure Scorecard projects;
- d. the total number of alternative green building or sustainable development rating system projects, and other sustainable development projects, such as historic restoration and adaptive reuse,;
- e. the additional costs associated with achieving LEED certification;
- f. the total number of projects using an integrative design process;
- g. the green building and sustainable development strategies employed;
- h. the operations and maintenance costs for all completed projects incorporating green building principles and practices and projects incorporating renewable energy or energy efficiency components, as well as the operations and maintenance costs that were projected before construction;
- i. the fiscal performance of all projects incorporating green building principles and practices including an accounting of all project costs and benefits that can be quantified, documented and verified;
- j. projected and actual energy savings measured;
- k. projected and actual water savings;
- l. a construction and demolition plan and a construction and demolition report, both of which include the diversion percentage rate and tonnage;
- m. actual environmentally preferable products used;
- n. projected and actual greenhouse gas emissions and saving based on the reporting that is required in the project information center database; at minimum, greenhouse gas calculations shall include the greenhouse gas emissions associated with energy and water usage, transportation impacts and construction and demolition diversion. When possible the calculation shall include the greenhouse gas savings associated with use of green strategies and environmentally preferable products;

o. projected and actual transportation impacts, including the transportation-related greenhouse gas emissions associated with the project; and

p. other reporting criteria that may be identified in the future.

2. Housing projects financed by King County and owned by either a housing authority or nongovernmental agency under contract with King County are exempted from the annual reporting requirements under subsection M.1. of this section.

3. The green building team, along with other relevant sustainability programs, and the office of performance, strategy and budget shall develop and determine consistent understandable and relevant baselines and measurement units that are applicable to diverse lines of business. Reporting criteria and performance measures shall be consistent with other related environmental requirements.

4. The process for reporting for projects grouped by program shall be determined by each division with the course of action that best captures green building performance for small projects grouped by program. Divisions may consider joint review of its small projects with the green building team program manager for assistance with scorecard and annual reporting compliance.

N. Green building requirements should be included by the procurement services section of the department of executive services, where possible and appropriate, in capital design and construction contracts, bid documents and technical specifications. The project manager responsible for the capital project shall collaborate with procurement services section staff to determine where green building requirements are appropriate. As applicable, requests for proposals and qualifications should include a list or description of LEED experience. Procurement documents that relate to construction or capital projects shall cite this chapter. The green building team shall develop minimum standards for building projects that address the monitoring of energy and water using systems that help meet energy and climate goals, and provide real time interfaces to ensure ongoing efficient operations.

O. The green building team shall coordinate and share information about the use of sustainable

development practices countywide and, with assistance from the GreenTools program, develop tools and training for project managers to implement this legislation. Its role includes:

1. Helping to assess regionally appropriate green building and sustainable development practices;
2. Developing regionally appropriate building and infrastructure design standards and guidelines;
3. Developing tools and procedures for assessing life-cycle fiscal, environmental and functional costs and benefits;
4. Convening and facilitating sustainable development planning and charrette workshops;
5. Evaluating performance of projects and facilities, including conducting post occupancy surveys, energy and water use audits and evaluating benefits realized; and
6. Tracking and reporting progress on implementation of green building and sustainable development practices.

P. Each division with capital project, operations and maintenance, building management, permitting or housing staff shall designate one or more green building team member or members. The team member is expected to regularly attend meetings and actively participate in disseminating sustainable development practices information back to the respective division. Green building team members should also receive either specialized training or additional training, or both, in green building design and should be encouraged to achieve the LEED Accredited Professional designation, as appropriate.

Q. County capital improvement project managers that are currently managing or will manage projects that fit the criteria in subsections D. and E. of this section are responsible for attending appropriate LEED and sustainable development training and annual refresher courses. Trainings shall be coordinated by the green building team.

R. The GreenTools program shall provide technical support for the county green building team and to cities and the general public in the county as appropriate, including, but not limited to, training on LEED and other green building and sustainable development technologies, research, project review, assisting with budget

analysis and convening groups to develop strategies and policies relating to green buildings and sustainable infrastructures.

S. The green building team shall work with the historic preservation program to develop a pilot format of the Sustainable Infrastructure Scorecard applicable to renovations of facilities listed under the county's historic preservation program and funded through King County. The preservation, restoration and adaptive reuse of existing buildings is an important green building strategy because historic preservation is, in itself, sustainable development. As part of the county green building strategy, the county shall preserve and restore the historic landmarks and properties eligible for landmark designation that are owned by the county, except in cases where a certificate of appropriateness is granted by the King County landmarks commission. Projects involving designated landmarks or properties that are eligible for landmark designation shall seek to maximize green building strategies such as natural daylighting and passive ventilation. However, the King County landmarks commission or other applicable regulatory body may waive requirements of this section upon issuing findings that strict compliance with this chapter would adversely affect the historic character of the resource in question, or that there are no feasible alternatives for preservation.

T. The green building and sustainable development practices in this policy are intended to ensure high performance in energy, water and waste reduction. In addition to the requirements of this chapter, the following minimum requirements shall be applied to all projects when applicable:

1. Meet energy and climate goals and performance requirements as directed in the King County Strategic Climate Action Plan, developed under K.C.C. chapter 18.25. The project team shall ensure that energy efficiency is given the highest priority;

2. Meet King County Surface Water Design Manual Standards and requirements, regardless of jurisdiction location. If a project is located in a jurisdiction where the surface water design manual standards and requirements are different than King County's, the project shall implement the more stringent requirement; and

3. By 2025, achieve an eighty-five percent diversion rate for construction and demolition materials with an eighty percent diversion rate achieved by 2016.

U. The King County Strategic Climate Action Plan includes goals and measures related to green building. To encourage green building practices on a community wide level, King County shall implement practices that will increase the awareness, certification, and innovation in green building and sustainable development. Efforts shall include, but not be limited to, the following:

1. The department of permitting and environmental review shall develop a handbook that includes, but is not limited to: a comprehensive inventory of green building techniques and materials for relevant county customer base; a description of permitting application materials related to various green building techniques; and instructional details that inform county staff on how to review permitting applications that involve new or rarely-used green building techniques and materials;

2. The department of public health, water and land resources division of the department of natural resources and parks, and department of permitting and environmental review staff who review and approve permits related to development will receive training in green building and high performance rating systems, such as Built Green Emerald Star and the Living Building Challenge. An interagency review committee will be formed with members from permitting agencies, including the department of public health, water and land resources division of the department of natural resources and parks, department of permitting and environmental review and the Green Building Team, to facilitate review of projects that involve multiple green building systems and to facilitate approval of buildings using high performance rating systems or features;

3. The department of permitting and environmental review shall participate in the existing regional code collaboration to unify building department codes throughout King County that promote green building. The development of unified green codes encourages economic growth and environmental sustainability, and is an integral tenet of the King County Strategic Plan. Applicable code revisions will be adopted, with initial emphasis on minimum recycling requirements for construction and demolition projects; and

4. The department of public health, water and land resources division of the department of natural resources and parks and department of permitting and environmental review shall implement a Living Building Challenge demonstration ordinance in partnership with members of the regional code collaboration to promote and encourage carbon neutral buildings and development. These departments will utilize the International Living Future Institute's guidelines to develop best management practices associated with this certification.

SECTION 34. Ordinance 4461, Section 2, as amended, and K.C.C. 20.22.040 are each hereby amended to read as follows:

The examiner shall issue final decisions in the following cases:

- A. Appeals of orders of the ombuds under the lobbyist disclosure code, K.C.C. chapter 1.07;
- B. Appeals of sanctions of the finance and business operations division in the department of executive services imposed under K.C.C. chapter 2.97;
- C. Appeals of career service review committee conversion decisions for part-time and temporary employees under K.C.C. chapter 3.12A;
- D. Appeals of electric vehicle recharging station penalties of the Metro transit department (~~((of transportation))~~) under K.C.C. 4A.700.700;
- E. Appeals of notice and orders of the manager of records and licensing services or the director of permitting and environmental review under K.C.C. chapter 6.01;
- F. Appeals of adult entertainment license denials, suspensions and revocations under K.C.C. chapter 6.09;
- G. Appeals of the fire marshal's decisions on fireworks permits under K.C.C. chapter 6.26;
- H. Appeals of cable franchise nonrenewals under K.C.C. 6.27A.060 and notices and orders under K.C.C. 6.27A.240;
- I. Appeals of notices and orders of the department of natural resources and parks under K.C.C. chapter 7.09;

J. Appeals of decisions of the director of the department of natural resources and parks on surface water drainage enforcement under K.C.C. chapter 9.04;

K. Appeals of decisions of the director of the department of natural resources and parks on requests for rate adjustments to surface and storm water management rates and charges under K.C.C. chapter 9.08;

L. Appeals of decisions on water quality enforcement under K.C.C. chapter 9.12;

M. Appeals of notices and orders of the manager of animal control under K.C.C. chapter 11.04;

N. Certifications by the finance and business operations division of the department of executive services involving K.C.C. chapter 12.16;

O. Appeals of orders of the office of civil rights under K.C.C. chapter 12.17, K.C.C. chapter 12.18, K.C.C. chapter 12.20 and K.C.C. chapter 12.22;

P. Appeals of noise-related orders and citations of the department of permitting and environmental review under K.C.C. chapter 12.86;

Q. Appeals of utilities technical review committee determinations on water service availability under K.C.C. 13.24.090;

R. Appeals of decisions regarding mitigation payment system, commute trip reduction and intersection standards under K.C.C. Title 14;

S. Appeals of suspensions, revocations or limitations of permits or of decisions of the board of plumbing appeals under K.C.C. chapter 16.32;

T. Appeals of all Type 2 decisions under K.C.C. chapter 20.20, with the exception of appeals of shoreline permits, including shoreline substantial development permits, shoreline variances and shoreline conditional uses, which are appealable to the state Shoreline Hearings Board;

U. Appeals of SEPA decisions, as provided in K.C.C. 20.44.120 and public rules adopted under K.C.C. 20.44.075;

V. Appeals of completed farm management plans under K.C.C. 21A.30.045;

W. Appeals of decisions of the interagency review committee created under K.C.C. 21A.37.070 regarding sending site applications for certification under K.C.C. chapter 21A.37;

X. Appeals of citations, notices and orders, notices of noncompliance, stop work orders issued pursuant to K.C.C. Title 23 or Title 1.08 of the rules and regulations of the King County board of health;

Y. Appeals of notices and certifications of junk vehicles to be removed as a public nuisance as provided in K.C.C. Title 21A and K.C.C. chapter 23.10;

Z. Appeals of decisions not to issue a citation or a notice and order under K.C.C. 23.36.010.A.2;

AA. Appeals of permit fee estimates and billings by the department of permitting and environmental review, as provided in K.C.C. chapter 27.50;

BB. Appeals from decisions of the department of natural resources and parks related to permits, discharge authorizations, violations and penalties under K.C.C. 28.84.050 and 28.84.060;

CC. Appeals of transit rider suspensions under K.C.C. 28.96.430;

DD. Appeals of department of public safety seizures and intended forfeitures, when properly designated by the chief law enforcement officer of the department of public safety as provided in RCW 69.50.505; and

EE. Other applications or appeals that are prescribed by ordinance.

SECTION 35. Ordinance 18709, Section 4, and K.C.C. 20.22.195, are each hereby amended to read as follows:

For rider suspension appeals under K.C.C. 28.96.430:

A. The examiner shall review the facts and the legal basis for the suspension. The ~~((transit division in the))~~ Metro transit department ~~((of transportation))~~ shall bear the burden of proving by a preponderance of the evidence both the violation and that the sanction it has imposed is consistent with King County ordinances and ~~((transit division))~~ department policy. Absent contrary evidence, the ~~((transit division))~~ Metro transit officer's report is sufficient to fulfill the requirements of K.C.C. 20.22.130 and meet the ~~((division's))~~ department's burden of proof. A criminal conviction for the same conduct underlying the suspension will be dispositive of

any factual challenge to the suspension. A criminal conviction shall not be dispositive of any other challenge, such as a jurisdictional challenge, to the suspension. Exoneration or a finding of "not guilty" on a criminal charge for the same conduct underlying the suspension shall result in the examiner finding that the suspension lacks a sufficient factual basis and vacating the suspension. Dispositional continuances or deferred prosecutions shall have no bearing on the examiner's factual findings.

B. Individuals appealing their suspensions may not challenge the constitutionality of the suspension process through an examiner appeal.

SECTION 36. Ordinance 17971, Section 2, as amended, and K.C.C. 28.30.010 are each hereby amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Additionality" means the principle of achieving net greenhouse gas emissions savings over and above those that would have arisen anyway in the absence of a given activity or project.

B. "Carbon neutral" means no net greenhouse gas emissions from operations, including when carbon offsets are applied to the emissions calculation

C. "Carbon offset" means a reduction in emissions of carbon dioxide or greenhouse gases made in order to mitigate for or to offset an emission made elsewhere.

D. "Environmental attributes" means any environmental benefit that can be monetized.

E. "Renewable identification number" means one of the mechanisms established to allow obligated parties to demonstrate compliance with renewable fuel volume obligations established under the Energy Policy Act of 2005 (Public Law 109-58) and the Energy Independence and Security Act of 2007 (Public Law 110-140). A renewable identification number is assigned to a unit of renewable fuel for purposes of tracking its production and use. Once the unit of fuel is consumed, the renewable identification number can be used to satisfy renewable fuel obligations and can be sold or traded to obligated parties to satisfy their renewable fuel

obligations in current or future years.

F. "Transit carbon offset" means an investment by the Metro transit (~~((division))~~) department that results in a reduction of greenhouse gas emissions beyond standard operations, thereby achieving additionality.

SECTION 37. Ordinance 17971, Section 4, as amended, and K.C.C. 28.30.030 are each hereby amended to read as follows:

A. The King County Metro transit carbon offset and environmental attributes program is hereby created and shall be administered by the Metro transit (~~((division))~~) department.

B. Transit carbon offsets shall be reviewed by an independent third-party organization with proven experience in emission mitigation activities to ensure that transit carbon offsets meet the requirements of RCW 36.01.250.

C. The Metro transit (~~((division))~~) department shall make carbon offsets or environmental attributes available for purchase by individuals or public or private entities, if doing so is likely to be financially beneficial to the (~~((division))~~) department.

D. The wastewater treatment division and the solid waste division shall evaluate the purchase of Metro transit (~~((division))~~) department carbon offsets, as necessary, to achieve the requirements of this chapter.

E. When purchasing carbon offsets, the wastewater treatment division and the solid waste division shall ensure the offsets meet the requirements of RCW 36.01.250. In purchasing offsets, the wastewater treatment division and the solid waste divisions shall purchase offsets from the Metro transit (~~((division))~~) department before purchasing carbon offsets from outside of the county if Metro transit (~~((division))~~) department offsets are comparably priced.

F. Revenue from the sale of carbon offsets or environmental attributes shall be used by the Metro transit (~~((division))~~) department solely for the purposes of reducing greenhouse gas emissions through providing additional transit service hours or investments that reduce the greenhouse gas emissions from transit operations beyond standard operations, thereby achieving additionality.

G. The executive shall ensure that transit carbon offsets or other environmental attributes are not double counted in calculating the greenhouse gas emissions for King County.

SECTION 38. Ordinance 11962, Section 2, and K.C.C. 28.91.020 are each hereby amended to read as follows:

It is the mission of the Metro transit department (~~(of transportation)~~) to provide the best possible public transportation services that improve the quality of life in King County.

The director shall, on at least an annual basis, report to the council on the performance of the public transportation services program, and shall propose goals and objectives for the following budget year.

SECTION 39. Ordinance 11033, Section 3 (part) and K.C.C. 28.92.010 are each hereby amended to read as follows

~~((The following words and phrases when used in Ordinance 11033 shall have the meanings hereinafter set forth in this section, whether appearing in capital or lower case form. If not defined below, the words and phrases used in this title shall have their common and ordinary meanings to the degree consistent with the technical subjects herein or the meanings set forth elsewhere in this title of the King County Code.))~~ The definitions in this chapter apply throughout this title unless the context clearly requires otherwise.

SECTION 40. Ordinance 11950, Section 9, and K.C.C. 28.92.180 are each hereby repealed.

SECTION 41. Ordinance 13441, Section 2, and K.C.C. 28.94.035 are each hereby amended to read as follows:

A. As required in 49 C.F.R. pt. 37, subpart F, the county shall provide paratransit or other special services, referred to in this section, K.C.C. 28.94.045 and K.C.C. 4A.700.210 as "ADA paratransit services," to individuals eligible under the federal Americans with Disabilities Act of 1990, referred to in this section, K.C.C. 28.94.045 and K.C.C. ~~((28.94.245))~~ 4A.700.210 as "ADA". The county may supplement the ADA paratransit services with other service described in K.C.C. 28.94.045.

B. ADA paratransit services shall be provided during the same hours and days as regular, fixed, non-

commuter bus service, within corridors that extend three-fourths of a mile on either side of the regular, fixed, non-commuter bus routes, as the routes may be amended from time to time.

C. ADA paratransit services shall be provided on a curb-to-curb basis.

D. ADA paratransit services shall be provided on an advance reservations basis, on the day before the occurrence of the ride requested.

E. ADA paratransit services may include requiring riders to transfer from one paratransit vehicle to another as part of the trip requested by the rider.

F. Subscription service shall not be provided as part of the ADA paratransit services.

G. ADA paratransit services may include feeder service to and from an accessible bus zone for individuals who are able to use the fixed route system.

H. In furtherance of the ADA paratransit program, the director may:

1. Organize and manage the provision of ADA paratransit services, including but not limited to call-taking, scheduling, dispatching, operations and vehicle maintenance, and, subject to applicable contracting and procurement requirements, enter into agreements with public and private agencies and entities for the provision of one or more of the services;

2. Develop and implement procedures in accordance with 49 C.F.R. pt. 37, subpart F, for the certification of ADA paratransit eligibility and the suspension of ADA paratransit service to eligible individuals with a documented pattern or practice of missing scheduled rides. The suspensions shall not be processed according to the procedures dealing with suspensions related to violations of rules of conduct on transit property and facilities as set forth elsewhere in K.C.C. chapter 28.96;

3. Develop and implement procedures for ADA paratransit service, and establish eligibility, administrative and operations procedures and referral services for the services;

4. Encourage the participation of, and enter into agreements with, public and private agencies and entities to coordinate their transportation resources as provided in this section;

5. Enter into agreements with other transit agencies to establish procedures for allocating paratransit trips and the cost of paratransit services to ADA-eligible riders seeking to transfer between transportation systems or cross jurisdictional boundaries and allocate the costs of providing paratransit services where the paratransit services of the other agencies overlap the county's ADA paratransit services; and

6. Submit plans, reports and information to the Federal Transit Administration as may be required under applicable federal regulations.

SECTION 42. Ordinance 14095, Section 3, and K.C.C. 28.94.280 are each hereby amended to read as follows:

A. There shall be established within the Metro transit (~~((division of the King County department of transportation))~~) department a Transit Good Neighbor program, which shall be implemented in cooperation with interested cities and the labor unions representing Metro transit (~~((division))~~) department employees. The purpose of the Transit Good Neighbor program is to obtain additional transit capital funds for bus shelters, benches and other passenger amenities in exchange for advertising on the shelter, bench or other amenity, and to develop partnerships for litter control.

B. The Metro transit (~~((division of the King County department of transportation))~~) department shall (~~((develop a plan, by September 1st, 2001, to))~~) implement the program that includes, but is not limited to:

1. Identification of cities that want to participate in this program and whose codes permit advertising in the public right-of-way;

2. Identification of cities, organizations and businesses that want to adopt shelters by providing funds for shelter capital costs and by assisting with litter control;

3. Development of standards for advertising esthetics on the adopted shelters, benches and other passenger amenities; and

4. Development of procedures needed to implement the program.

SECTION 43. Ordinance 16770, Section 4, as amended, and K.C.C. 28.96.220 are each hereby

amended to read as follows:

A. The county may permit the following types of commercial parking within park and ride lots:

1. For overflow parking for nearby business, except that the parking shall not be used to satisfy parking requirements under any land use or development code or other law or regulation; or
2. For customer parking for privately-operated passenger transportation services.

B. Permission under subsection A. of this section shall be granted by the county entering into licenses, leases or other contractual use agreements. The agreements shall include terms requiring payment based on consideration of these factors:

1. The fair market value of the use of transit property;
2. The actual costs incurred by the county in processing the request for use, in providing additional operation and maintenance of the park and ride lot and in administering the agreement; and
3. The existence of offsetting benefits that will directly support the county's transit program.

C. Any such an agreement shall protect the primary purpose of the transit property through such means as time-of-day restrictions, and shall be terminable by the county in the event of increased demand by transit commuters for parking. The agreements shall provide that this determination shall be at the sole discretion of the county.

D. For each park and ride location at which such a use is authorized, the Metro transit (~~(division)~~) department shall post a public notice advising transit commuters how to comment to the (~~(division)~~) department management regarding the effect on availability of transit commuter parking.

E. Any such an agreement shall be consistent with state, county and municipal law and applicable agreements with other agencies, including, but not limited to, the Federal Transit Administration, Sound Transit and the Washington state Department of Transportation.

SECTION 44. Ordinance 11950, Section 18 (part), as amended, and K.C.C. 28.96.430, are each hereby amended to read as follows:

A. Violation of a rule or provision of this chapter or any federal, state or local law shall be cause for suspension of a person's privileges to enter upon transit property and use the transit system. Such a suspension may be ordered by ~~((the transit division in the))~~ Metro transit department ~~((of transportation))~~ personnel authorized by the director or by the authorized personnel of a contracted service provider in accordance with the terms of the applicable service contract. Notice of such a suspension shall be in writing and shall inform the person suspended of the cause, the period of the suspension, and that failure to comply shall be grounds for criminal prosecution. Service of the suspension notice may be accomplished by personal delivery or by mailing a copy, addressed to the person's last known address, by certified U.S. mail. Unless otherwise specified on the notice, the suspension shall take effect immediately upon actual or constructive receipt of the notice by the person being excluded. A person may not defeat the effectiveness of a suspension by refusing to accept the notice. Receipt of the notice is construed to have been accomplished if the person knew or reasonably should have known from the circumstances that the person's privileges to enter upon transit property and use the transit system have been suspended. Receipt of the notice is also construed to have been accomplished two days after a suspension notice is placed in the U.S. mail. Failure to immediately comply with such a suspension order shall be grounds for prosecution for criminal trespass.

B. Before the expiration of the suspension period, a person whose privileges to enter upon transit property and use the transit system have been suspended may request a review of or appeal the suspension in the following ways:

1. In accordance with an intake process the ~~((transit division))~~ Metro transit department shall publish, the suspended person may request mitigation through a rider contract between the person and the division that would allow the individual to enter upon transit property and use the transit system during the suspension period under certain conditions delineated in the contract. Upon receiving a timely mitigation request, the ~~((division's))~~ department's policy for mitigation reviews shall apply. The suspension shall be reviewed within five business days and a decision rendered within two days of the review's conclusion. If the request is not

eligible for mitigation or is initially declined, it shall be referred to a mitigation panel for a hearing to occur within seven days, or later if requested by the suspended person. The suspended person may orally present the suspended person's reasons why the suspension should not be served, by phone or in person at a time and location mutually agreed upon. Within ten days after the proceeding, the mitigation panel shall make a decision affirming, modifying or terminating the suspension. The mitigation panel's decision to either issue or not issue a rider contract mitigating the suspension shall be final and unreviewable.

2.a. The suspended person may challenge the facts or the legal basis for the suspension by filing an appeal in accordance with K.C.C. 20.22.080, except that the filing deadline in K.C.C. 20.22.080.B. and the filing fee in K.C.C. 20.22.080.D. do not apply.

b. The hearing examiner shall process appeals in accordance with section 4 of this ordinance. Because of the processing timeline K.C.C. 20.22.100.B. sets for appeals, a suspended person who has appealed or intends to appeal the suspension may request mitigation through a rider contract temporarily allowing the privilege to enter upon transit property and use the transit system during the appeal process.

c. The hearing examiner's decision shall be final and unreviewable. However, a suspended person who has had the privilege to enter upon transit property and use the transit system suspended who has unsuccessfully appealed the suspension to the hearing examiner may still seek mitigation through a rider contract from the division following the hearing examiner's decision.

SECTION 45. Ordinance 10733, Section 1, as amended, and K.C.C. 28.101.010 are each hereby amended to read as follows:

The following definitions apply to this chapter unless the context clearly requires otherwise:

A. "Affected employee" means a full-time employee who begins the employee's regular work day at a single work site between 6:00 a.m. and 9:00 a.m., inclusive, on two or more weekdays for at least twelve contiguous months and who is not an independent contractor. Seasonal agricultural employees, including seasonal employees of processors of agricultural products, are excluded from the count of affected employees.

B. "Affected employer" means an employer that employs one hundred or more affected employees at a single work site covered by the commute trip reduction plan. Construction work sites are excluded from this definition when the expected duration of the construction is less than two years.

C. "Alternative commute mode" means any means of transportation to and from work other than driving a single-occupant motor vehicle, including scheduled work from home and work schedules that result in fewer commute trips.

D. "Baseline measurement" means the survey of affected employees conducted by an affected employer to determine the drive-alone rate and vehicle miles travelled per affected employee.

E. "Carpool" means a motor vehicle occupied by two to six people who are at least sixteen years old traveling together for their commute trip that results in the reduction of at least one motor vehicle commute trip.

F. "Commute trips" mean trips made from a worker's home to a work site for a regularly scheduled work day beginning between 6:00 a.m. and 9:00 a.m. ~~((t)), inclusive((t))~~, on weekdays.

G. "Commute trip reduction plan" means the county's commute trip reduction plan, as adopted in K.C.C. ~~((14.60.020))~~ 28.101.030, to regulate and administer the commute trip reduction programs of affected employers' worksites within unincorporated King County.

H. "Commute trip reduction program" means an affected employer's program, approved by the director, including strategies to reduce affected employees' vehicle miles travelled per employee and drive-alone rate.

I. "Director" means the director of the Metro transit department ~~((of transportation))~~ or the director's designee.

J. "Drive-alone rate" means the percentage of affected employee commute trips made by single occupants of motor vehicles, including motorcycles.

K. "Employer" means a sole proprietorship, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district or other individual or entity, whether public, nonprofit or private, that employs workers.

L. "Exemption" means a waiver from commute trip reduction program requirements granted to an employer by the county based on unique conditions that apply to the employer or worksite.

M. "Full-time employee" means a person other than an independent contractor, whose position is scheduled to be employed on a continuous basis for fifty-two weeks for an average of at least thirty-five hours per week.

N. "Good faith effort" means that an employer has met the minimum requirement identified in RCW 70.94.531.

O. "Mode" means the means of transportation used by employees, such as single-occupant motor vehicle including motorcycle, rideshare vehicle such as carpool or vanpool, transit, bicycle and walking.

P. "Single work site" means a building or group of buildings occupied by one or more major employers which are on physically contiguous parcels of land or on parcels separated solely by private or public roadways or rights-of-way.

Q. "Transit" means a multiple-occupant vehicle operated on a for-hire, shared-ride basis, including bus, ferry, rail, shared-ride taxi, shuttle bus or vanpool.

R. "Vanpool" means a vehicle occupied by seven to fifteen people traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle trip. A vanpool trip counts as zero vehicle trips.

S. "Vehicle miles travelled per employee" means the sum of the distance in miles of individual vehicle commute trips made by affected employees over a set period divided by the number of affected employees during that period.

T. "Week" means a seven day calendar period, starting on Monday and continuing through Sunday.

U. "Weekday" means any day of the week except Saturday or Sunday.

SECTION 46. Ordinance 10733, Section 2, as amended, and K.C.C. 28.101.030 are each hereby amended to read as follows:

A. A commute trip reduction plan shall be adopted by ordinance.

B. The commute trip reduction plan lists the county's goals for reducing vehicle miles travelled per employee and the drive-alone rate for the unincorporated urban area and for two affected employers. The director shall set goals for reducing vehicle miles travelled per employee and the drive-alone rate for any affected employer not listed in the commute trip reduction plan.

C. The Metro transit department (~~(of transportation)~~) website shall include a notice of the adoption of the commute trip reduction plan and an explanation of its applicability to affected employers. The director shall notify the affected employers listed in the commute trip reduction plan and any other employer who becomes an affected employer of the commute trip reduction plan and its requirements.

SECTION 47. Ordinance 10733, Section 10, as amended, and K.C.C. 28.101.100 are each hereby amended to read as follows:

The director of the Metro transit department (~~(of transportation)~~) is hereby instructed and authorized to adopt such administrative rules and procedures as are necessary to implement the provisions of this chapter.

SECTION 48. This ordinance takes effect January 1, 2019.