



## Legislation Details (With Text)

**File #:** 2022-0375      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 10/4/2022      **In control:** Budget and Fiscal Management Committee

**On agenda:**      **Final action:** 11/15/2022

**Enactment date:** 11/29/2022      **Enactment #:** 19534

**Title:** AN ORDINANCE temporarily raising thresholds for emergent need projects; amending Ordinance 17293, Section 24, as amended, and K.C.C. 4A.10.103, Ordinance 17929, Section 21, as amended, and K.C.C. 4A.100.080 and Ordinance 17929, Section 21, as amended, and K.C.C. 4A.100.080, establishing an effective date and establishing an expiration date.

**Sponsors:** Joe McDermott

**Indexes:**

**Code sections:** 4A.100.080 - .

**Attachments:** 1. Ordinance 19534, 2. 2022-0375 transmittal letter, 3. 2022-0375 fiscal note, 4. 2022-0375 Legislative Review Form, 5. 2022-0375\_SR\_Emergent Need Threshold\_SR 10-25-22, 6. 2022-0375\_SR\_Emergent Need Threshold\_11.08.22, 7. 2022-0375.1\_ATT2 AMD S1 Striking\_Amendment, 8. 2022-0375.1\_ATT3 AMD T1\_Title\_Amendment, 9. 2022-0375\_RevisedSR\_Emergent Need Threshold\_11.08.22

Date	Ver.	Action By	Action	Result
11/15/2022	2	Metropolitan King County Council	Passed	Pass
11/8/2022	1	Budget and Fiscal Management Committee	Recommended Do Pass Substitute	Pass
10/25/2022	1	Budget and Fiscal Management Committee	Deferred	
10/4/2022	1	Metropolitan King County Council	Introduced and Referred	

Clerk 11/08/2022

AN ORDINANCE temporarily raising thresholds for emergent need projects; amending Ordinance 17293, Section 24, as amended, and K.C.C. 4A.10.103, Ordinance 17929, Section 21, as amended, and K.C.C. 4A.100.080 and Ordinance 17929, Section 21, as amended, and K.C.C. 4A.100.080, establishing an effective date and establishing an expiration date.

### STATEMENT OF FACTS:

1. Data from the Federal Bureau of Statistics show that in April 2022 the Consumer Price Index for the Seattle Area was 9.1 percent higher than a year ago.

2. National Bureau of Labor Statistics data on the price of construction materials show that the cost of those materials increased 45 percent from November 2020, when the current budget was adopted, to May 2022.

3. The executive's 2023-2024 Proposed Biennial Budget (Proposed Ordinance 2022-0374) includes emergent need capital projects with proposed budget amounts that would meet the thresholds as amended in this proposed ordinance.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Section 2 and 3 of this ordinance expire January 1, 2025.

SECTION 2. Ordinance 17293, Section 24, as amended, and K.C.C. 4A.10.103 are hereby amended to read as follows:

"Capital project exceptions notification" means a letter that describes the proposed transfer of capital project emergent need contingency appropriation authority to address changes to adopted a capital project's scope, schedule or project costs that result in an increase of ~~((fifteen))~~ twenty-five percent or more to an adopted capital project's total project costs.

SECTION 3. Ordinance 17929, Section 21, as amended, and K.C.C. 4A.100.080 are hereby amended to read as follows:

A. An emergent need contingency project may be included in any capital improvement program fund under K.C.C. 4A.100.030.

B. Emergent need contingency projects must be included in the proposed capital fund's six year capital improvement program and be consistent with the proposed fund financial plan.

C. An emergent need contingency project amount shall not exceed either ~~((five))~~ twenty percent of the total ~~((proposed))~~ unexpended appropriation in a capital fund ~~((amount anticipated for the))~~ as of July 1 of the final year of the fiscal period plus the total adopted appropriations for the capital fund for the upcoming fiscal period or ~~((twenty))~~ fifty million dollars, whichever is less.

D.1. For capital projects other than risk monitored projects, expenditure authority may be transferred from an emergent need contingency project to another capital project within the same fund to address costs not anticipated at the time of budget adoption. Capital projects requiring a transfer of less than ~~((fifteen))~~ twenty-five percent of total project costs, a scope change or a schedule deviation must be reported in the quarterly budget management ~~((and budget))~~ report under K.C.C. 4A.100.100.

2. For transfers of ~~((fifteen))~~ twenty-five percent or more of total project costs, the director of the office of performance, strategy and budget or its successor shall be responsible for electronically filing a capital project exception notification with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers and the lead staff for the budget and fiscal management committee or its successor. The notification must be sent and authorized as set forth in subsection E. of this section in accordance with this section before any transfer may occur.

E. When the clerk of the council receives a capital project exception notification, the clerk of the council shall list the capital project exception notification under other business on the next two council agenda. Councilmembers may object to the proposed transfer of emergent need contingency expenditure authority to another project in the same fund at either of those two council meetings. If an objection is not made at either council meeting, the transfer may proceed. If an objection to the transfer of emergent need contingency is made at a council meeting, the transfer may not proceed. The clerk of the council shall notify the director of the office of performance, strategy and budget or its successor of the council's action.

SECTION 4. Section 5 of this ordinance takes effect January 1, 2025.

SECTION 5. Ordinance 17929, Section 21, as amended, and K.C.C. 4A.100.080 are hereby amended to read as follows:

A. An emergent need contingency project may be included in any capital improvement program fund under K.C.C. 4A.100.030.

B. Emergent need contingency projects must be included in the proposed capital fund's six year capital

improvement program and be consistent with the proposed fund financial plan.

C. An emergent need contingency project amount shall not exceed either five percent of the total ((~~proposed~~)) unexpended appropriation in a capital fund ((~~amount anticipated for the~~)) as of July 1 of the final year of the fiscal period plus the total adopted appropriations for the capital fund for the upcoming fiscal period or twenty million dollars, whichever is less.

D.1. For capital projects other than risk monitored projects, expenditure authority may be transferred from an emergent need contingency project to another capital project within the same fund to address costs not anticipated at the time of budget adoption. Capital projects requiring a transfer of less than fifteen percent of total project costs, a scope change or a schedule deviation must be reported in the quarterly budget management ((~~and budget~~)) report under K.C.C. 4A.100.100.

2. For transfers of fifteen percent or more of total project costs, the director of the office of performance, strategy and budget or its successor shall be responsible for electronically filing a capital project exception notification with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers and the lead staff for the budget and fiscal management committee or its successor. The notification must be sent and authorized as set forth in subsection E. of this section in accordance with this section before any transfer may occur.

E. When the clerk of the council receives a capital project exception notification, the clerk of the council shall list the capital project exception notification under other business on the next two council agenda. Councilmembers may object to the proposed transfer of emergent need contingency expenditure authority to another project in the same fund at either of those two council meetings. If an objection is not made at either council meeting, the transfer may proceed. If an objection to the transfer of emergent need contingency is made at a council meeting, the transfer may not proceed. The clerk of the council shall notify the director of the office of performance, strategy and budget or its successor of the council's action.