



Legislation Text

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Clerk 02/18/2009

AN ORDINANCE regarding the King County fair; authorizing the King County executive to execute an interlocal agreement with the city of Enumclaw regarding the King County fair; and amending Ordinance 11955, Section 9, as amended, and K.C.C. 2.16.045 and repealing Ordinance 12075, Section 5, as amended, and K.C.C. 2.32.040 and Ordinance 1128 (part), as amended, and K.C.C. 2.32.050.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. In 2002, the King County parks and recreation division of the department of natural resources and parks faced significant financial challenges. That year, the division faced a major fiscal crisis that required a nine million dollar reduction in the division's 2003 budget, a thirty-five percent cut. To address that crisis, the county convened the metropolitan parks task force to make recommendations on ways to transition the parks and recreation division to a more stable fiscal future.

B. The metropolitan parks task force recommended that the county transfer active recreation facilities to cities and focus primarily on providing regional trails and natural lands. Consistent with the metropolitan parks task force recommendations, all county pools located within cities were transferred to those cities. In addition, the Enumclaw golf course was transferred to the city.

C. The metropolitan parks task force found that: "The fiscal crisis facing the County demands a much stricter approach to selecting what services the County will and will not provide. The County parks system can no longer afford to be all things to all people." As a result, the metropolitan parks task force concluded that the

county must "limit its involvement in providing local recreation services, particularly within cities."

D. The metropolitan parks task force further found that: "The provision of active recreation services and programming must be fundamentally changed, moving away from the County's operation of facilities and programs toward developing new partnerships and finding alternative service providers that can meet public needs, but at less or no ongoing taxpayer expense related to the maintenance of such facilities."

E. In January 2007, to support the city's efforts to develop a first-class equestrian facility in the city and to reduce the county's ongoing expenses related to the King County fairgrounds, the county transferred the fairgrounds to the city without charge in a transaction that also provided the city with two million dollars in cash. In connection with the transfer, the city and the county executed a ten year lease ("the lease"), which permitted the county to hold the King County fair ("the fair") at the fairgrounds. The former fairgrounds facility is now known as the Enumclaw exposition center. In 2007 and 2008, the county held the fair at the Enumclaw exposition center pursuant to the lease.

F. The county operates the fair pursuant to chapter 36.37 RCW. The fair is a long-standing event that provides important educational and recreational opportunities for youth and generates significant revenue for the city and its businesses. However, with the transition of the King County parks and recreation division away from the provision of recreational programs, the fair is one of the last remaining recreation programs that the county continues to operate.

G. The Enumclaw exposition center is the centerpiece of the city's efforts to promote equestrian tourism in the city. The city is working to develop the Enumclaw exposition center into a major equestrian facility to provide additional tourism revenue to the city and its residents and businesses. Studies that the city has conducted have indicated that the Enumclaw exposition center should serve as a multi-purpose facility hosting other major events in addition to equestrian shows and competitions.

H. The county's continuing fiscal challenges have limited the county's ability to devote resources to the fair. Despite declining attendance, the fair remains one of the largest annual events at the Enumclaw exposition

center.

I. The county faced another major fiscal crisis for 2009 with an estimated revenue shortfall of more than ninety million dollars. This unprecedented shortfall required reductions in services throughout county government. As a result, the King County fair was not included in the county executive's proposed 2009 budget.

J. The county council restored the King County fair in the 2009 county budget with "one-time" funding from a general fund transfer to the parks and recreation division. However, without additional revenue, the county expects to face even greater shortfalls in future years. In connection with the 2009 budget, the council also passed Motion 12889, directing the county executive to appoint a task force to provide recommendations on ways to make the fair sustainable.

K. Given future county financial projections, it does not appear that the county can continue to produce the fair. However, the city has expressed an interest in producing the fair in 2009 as a way to continue the fair in 2009 while the task force recommendations are developed.

L. It is in the best interests of the public, the county, and the city for the fair to continue at the Enumclaw exposition center, and the city has had significant success in owning and operating the Enumclaw exposition center, including increased rentals and facility enhancements.

M. RCW 36.37.040 authorizes the county council to employ "persons" to assist in the management of fairs or to designate a nonprofit corporation as the exclusive agency to operate and manage such fairs. Pursuant to RCW 1.16.080(1) and Article XI, Section 10, of the Washington State Constitution, the city is a "person" and a not-for-profit municipal corporation under state law.

N. RCW 36.01.010 authorizes the county to make any contracts as may be necessary to the exercise of its corporate or administrative powers.

O. As a code city organized under Title 35A RCW, the city has all of the powers and authority afforded a municipal corporation under Washington state law, including the power to contract, the power to enter into

interlocal agreements under chapter 39.34 RCW, and the power to operate recreational programs and facilities for benefit of the public.

P. Article 1, Section 120, of the King County Charter authorizes the county, in the exercise of its powers and the performance of its functions and services, to agree by contract to participate jointly in or in cooperation with any one or more other governments and to share the costs and responsibilities of such powers, functions and services.

Q. The Interlocal Cooperation Act, chapter 39.34 RCW, authorizes local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities.

SECTION 2. The county executive is hereby authorized to execute an interlocal agreement, substantially in the form of Attachment A to this ordinance, with the city of Enumclaw regarding the King County fair.

SECTION 3. Ordinance 11955, Section 9, as amended, and K.C.C. 2.16.045 are each hereby amended to read as follows:

A. The department of natural resources and parks is responsible to manage and be fiscally accountable for the wastewater treatment division, water and land resources division, solid waste division and parks and recreation division. The department shall manage, design, develop, operate, maintain and enhance the geographic information systems for the county and other contracting agencies. The department shall administer and implement the requirements of the federal Clean Water Act, federal Endangered Species Act and other federal and state laws and regulations related to those requirements. The department shall perform the metropolitan water pollution abatement function referred to in this section as "the water quality program," as set forth in chapter 35.58 RCW, K.C.C. Title 28 and other federal and state laws and regulations applicable to that

function, although financial planning for and administration of the water quality program shall be conducted consistent with financial policies approved by the council. The department shall coordinate the county's National Pollutant Discharge Elimination System ("NPDES") municipal stormwater permit program. The department shall provide the support to the county's participation in the regional water supply planning process including the development of reclaimed water and the review of local utility district plans for conformance with county plans and policies and shall participate in the process of preparing coordinated water system plans to ensure conformance with county plans and policies. The department shall provide for the active and passive recreational needs of the region, consistent with the mission of the parks and recreation division described in subsection E.1 of this section. The department shall designate as natural resource lands those county-owned lands that serve important natural resource functions, including, but not limited to, benefiting and protecting natural drainage systems, drainage basins, flood control systems, ecosystems, water quality, ground water, fisheries and wildlife habitat and other natural resource purposes. The department shall act to ensure integration of environmental programs across utility and resource functions and to balance stewardship with economic development issues. To ensure integration and balanced stewardship through the director's office the department shall oversee strategic planning using staff resources budgeted in the department's divisions. Strategic planning may include, but not be limited to: integration of land and water resource protection; coordination of groundwater, water reuse and water supply plan approval; development of new funding approaches for resource protection; establishment of new partnerships with businesses, community organizations and citizens; and better coordination of sewerage and flood control facilities to prevent water quality degradation.

B.1. The duties of the waste water treatment division shall include the following:

- a. administering the functions and programs related to the operation, maintenance, construction, repair, replacement and improvement of the metropolitan sewerage system and its financing;
- b. administering the county's sewage disposal agreements with cities and special districts;

- c. providing planning for the water quality capital program;
- d. providing design, engineering and construction management services related to the water quality capital programs including new facilities development and maintenance of the existing infrastructure;
- e. providing support services such as project management, environmental review, permit and right-of-way acquisitions, scheduling and project control; and
- f. regulating industrial discharges into the metropolitan sewerage system.

2. The council may assign responsibility for services ancillary to and in support of the operation and maintenance of the metropolitan water pollution abatement 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.

C. The duties of the water and land resources division shall include the following:

1. Proposing or updating, or both, and implementing adopted policies, plans and programs relating to water and land resources, open space and other natural resources that protect fisheries, natural resources, water quality and ground water and that solve and prevent drainage problems;

2. Responding to major river floods and addressing drainage problems in unincorporated portions of the county as provided in K.C.C. Title 9, the Surface Water Management Program, in K.C.C. chapter 20.12, the King County Flood Hazard Reduction Plan Policies and other policies established by the council;

3. Within available resources, maintaining major river channels, and surface and storm drainage systems and lands to minimize flood hazards and protect fisheries resources, drainage systems and lands, and water quality;

4. Providing coordination and technical assistance within the county and other governments to assist in setting and implementing priorities for water and land resources, including sample collection, laboratory services, monitoring, analysis and other activities to protect, enhance and evaluate the quality of land, habitat and water resources in the county;

5. Planning the surface water management capital program, providing design, engineering and construction management services related to the surface water management capital program including new facilities development and maintenance of the existing infrastructure and providing support services such as project management, environmental review, permit and right-of-way acquisitions, scheduling and project control;
6. Preparing standards for storm water management facilities that are constructed as part of land development;
7. Providing technical assistance and education to businesses and the general public to encourage environmental stewardship;
8. Implementing the county park, open space, trails, agriculture, forestry, and other natural resources acquisition programs, including planning, site selection, financing, acquisition, project budget management and purchasing fee and less than fee interests;
9. Monitoring and protecting the county's development rights interests related to agricultural lands;
10. Consulting in the preparation of management plans for protection and use of the natural resource values of county owned lands, including natural resource lands, dedicated and deeded open space lands and lands acquired by the county as a condition of land development approval, and consulting with the parks and recreation division the appropriate means to execute such management plans;
11. The office of rural and resource lands shall be a distinct functional unit of the division reporting directly to the water and land resources division manager. The office shall plan, manage and be responsible for administering the county's rural and resource lands programs including, but not limited to, agriculture, farmlands preservation, current use taxation programs, forestry, noxious weeds, terrestrial wildlife and habitat, rural economic development, and encouraging environmental stewardship; and
12. Planning, prioritizing, seeking funding for, designing and implementing restoration projects on natural resource lands, dedicated and deeded open space lands and lands acquired by the county as a condition

of land development approval in coordination with the parks and recreation division.

D. The duties of the solid waste division shall include the following:

1. Managing and operating the county's comprehensive solid waste program on a self-supporting basis;
2. Administering the county's solid waste interlocal agreements with cities and towns;
3. Diverting as much material as possible from disposal in a manner that reduces the overall costs of solid waste management to county residents and businesses, conserves resources, protects the environment and strengthens the county's economy;
4. Managing and being accountable for all transfer station operations and landfills, as well as the transportation of waste between county facilities;
5. Procuring and maintaining all capital and operating equipment specific to the solid waste function;
6. Providing planning, design, engineering and construction management services related to the solid waste capital program including new facilities development and maintenance of existing infrastructure;
7. Providing support services such as project management, environmental review, permit acquisitions, scheduling and project control; and
8. Actively pursuing all revenue sources in an effort to maintain the lowest possible rate structure for the benefit of county residents.

E. The duties of the parks and recreation division shall include the following:

1. Carrying out the county's parks and recreation division mission, which is to provide regional trails, regional passive parks, regional resource and ecological lands and regional active recreation facilities, rural parks and local unincorporated area parks within the urban growth boundary until annexed, by employing entrepreneurial strategies that raise revenues to support park operations and facilitating agreements with other jurisdictions and entities to provide for recreational services and other activities;
2. Proposing and implementing adopted policies, plans and programs related to the provision of

regional and rural parks and recreation facilities and programs and natural resource lands in King County and local parks in the unincorporated portion of King County within the urban growth boundary until those areas are annexed;

3. Within available resources, managing, operating and maintaining or facilitating the management, operation and maintenance of the county parks and recreation facilities;

4. Within available resources, maintaining, restoring or facilitating the maintenance of regional resource and ecological lands in consultation with the water and land resources division;

5. Monitoring and protecting the county's real property and development rights interests acquired through the conservation futures and other open space and natural resource programs, with the exception of development rights on agricultural lands, ensuring to the greatest extent practicable that subsequent county land use policies remain compatible with the acquired interests;

6. Preparing and implementing in consultation with the water and land resources division the management plans for protection and use of the natural resource values of county owned lands, including natural resource lands, dedicated and deeded open space lands and lands acquired by the county as a condition of land development approval, and determining appropriate means to execute those management plans;

7. Administering, operating and maintaining those lands designated as natural resource lands, using any work forces as appropriate;

8. Developing and maintaining an operational master plan and develop and monitoring a capital improvement plan as defined in K.C.C. chapter 4.04;

9. Within available resources, developing and facilitating agreements for the development of specific active park and recreation facilities;

10. Coordinating with other departments and divisions as appropriate in the preparation of grant applications for park and open space acquisition, development and operations;

11. Developing, managing, or facilitating agreements for the provision of recreational programs; and

12. Facilitating programs that promote the safe enjoyment of county-owned swimming pools and guarded swim beaches(~~;~~ and

~~13. Planning, organizing, scheduling and administering the annual King County fair~~)).

SECTION 4. Ordinance 12075, Section 5, as amended, and K.C.C. 2.32.040 and Ordinance 1128 (part), as amended, and K.C.C. 2.32.050 are each hereby repealed.