



Legislation Text

File #: 2004-0378, **Version:** 2

Clerk 07/14/2005

AN ORDINANCE relating to comprehensive planning; adopting the 2005 County Space Plan; altering the space plan submittal requirements; changing the requirements for council approval of leases of real property; and amending Ordinance 10810, Section 1, as amended, and K.C.C. 20.12.100 and Ordinance 12045, Section 23, as amended, and K.C.C. 4.04.040.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings. The council hereby makes the following findings of fact:

A. Section 220.20 of the King County Charter provides that the county council shall be the policy determining body of the county and shall have all legislative powers of the county. The council exercises its legislative power by the adoption and enactment of ordinances, including comprehensive plans for the present and future development of the county. The King county space plan is a subelement of the capital facilities element of the King county Comprehensive Plan.

B. King county's facilities management division has the responsibility to provide a variety of services to county agencies. One of the responsibilities is to prepare a proposed annual county space plan.

C. The adopted county space plan governs development of all facility master plans, facility program plans and CIP and lease requests for space housing county agency operations.

D. This space plan is guided by long-range policies adopted by the council over the past five years, as well as by the findings of the properties expert review task force, the budget advisory task force, the elections oversight committee and the King County commission on governance, which urged controls on the growth of

criminal justice agency costs, strategic investment in technology and the need to complete annexation or incorporation of the urban unincorporated areas of the county.

E. The council has found operational master plans to be a useful tool for framing strategic and budgetary decisions regarding specific county agencies. Often operational master plans lead to the development of facilities master plans affecting the needs for long term asset management and space planning.

F. Motion 11482, approved by the council on July 29, 2002, adopted the strategic technology plan that set forth six guiding principles for the county's significant resource investments in technology. The plan is updated annually and sets the direction for county technology planning, operations and management. The plan to standardize and organize technology could directly impact the space needs for the information technology services division and the data center.

G. Motion 12099, approved by the council on April 4, 2005, requested that the executive provide a space plan for the consolidation of elections operations into a single facility. The motion also requested an evaluation of the needs for elections operations and an analysis of the functional areas of elections, personnel and equipment needs.

H. Additional reports on elections operations are pending and have not been reviewed by the council. The additional reports are the King county independent task force on elections, the independent management audit, the business continuity project and the citizens' election oversight committee report.

I. It is the council's intent to provide for the adaptability of space within the new county office building by providing infrastructure improvements including structural upgrades to support possible increased loads that may be needed for storage or materials handling associated with ballot storage.

J. Motion 12018, approved by the council on September 27, 2004, adopted a policy framework and 2005 work program for the annexation initiative. The county's annexation initiative, which is designed to encourage annexation or incorporation of the urban unincorporated areas as envisioned by the Growth Management Act and the Countywide Planning Policies, should be considered when making space planning

decisions.

K. The space plan continues to reduce the county's reliance on outside leased space. The plan recommends moving from dependence on short-term leased space in the downtown Seattle area to owned space or long-term leased space, with the option to own, when lease space exceeds ten percent of downtown occupied space and when it is shown that building ownership will provide a long term cost benefit to the county. This policy is intended to provide long term savings for the county for reinvestment in human services.

L. It is the council's intent that the 2005 space plan will provide direction to the executive regarding agency tenants for the new county office building.

M. It is the council's intent that the programming for standard office space tenant improvements in the new county office building, as required by the developer, shall proceed in accordance with the new county office building development agreement. It is the council's understanding based upon testimony before the budget and fiscal management committee on July 6, 2005, that tenant selection for up to twenty-five percent of the tenant space programming decisions may be postponed until February 2006.

N. It is the council's intent that programming for the remaining tenant space in the new county office building shall be done subsequent to the council's review of technology and elections reports and the council's approval of locations for elections consolidation, executive offices and information technology services.

O. The county has retained, upgraded and restored the King County courthouse, including life safety improvements, so that it is available for functions requiring weapons screening or a heightened level of security. Due to the availability of heightened security, elected officials such as judges, councilmembers, the executive, the prosecuting attorney, the sheriff and the assessor should be considered priority candidates for occupancy in the courthouse. Supporting functions for approved courthouse occupants requiring heightened security shall also be candidates for occupancy.

P. County risk management officials have stated that the appropriate level of seismic upgrade for county buildings is the life safety standard. However, when dealing with existing buildings that house county

employees application of this standard has been inconsistent. It is the council's intent to set seismic standards in the space plan for application to future county buildings, future leased space, and future acquisitions. It is also the council's intent that the executive develop minimum seismic standards and transmit such standards to the council for approval. The standards shall be based on measurable structural engineering standards, building codes or Federal Emergency Management Agency guidelines and shall be used to guide facility decisions for any future construction, future building acquisition, or future leased space housing county employees.

Q. It is the intent of the council that upon completion of the department of adult and juvenile detention, operational master plan implementation plan and the integrated security project, the executive shall develop a proposal for locating the work education release ("WER") program in the west wing of the King county correctional facility. The proposal shall include recommendations for alternative tenants in the courthouse space vacated by WER.

R. It is the intent of the council that the space plan shall provide additional space needs for the district court at the regional justice center in Kent through the conversion of vacated criminal investigation division space into courtrooms, jury rooms, and associated support space.

S. K.C.C. 4.04.040 requires council approval for leases of real property for longer than one year, except in certain limited circumstances. Because leases of longer than one year can result in substantial costs to the county, it is the council's intent that any decision to continue the lease or agreement beyond a cumulative total of two years shall require council approval.

T. Ordinance 15118, approved by the council on February 7, 2005, governs the application of leadership in energy and environmental design (LEEDS) standards for county office buildings. The 2005 county space plan adopted in this ordinance further clarifies these standards for space planning.

U. Revised space standards are adopted in the 2005 county space plan and provide the standards for programming the new county office building. These standards should be refined through that process and refinements of the standards are anticipated in future space plans.

V. The council finds that the proposed space plan update change to a biennial submittal is reasonable on March 1 of every other year, beginning March 1, 2006.

W. King County has adopted the 1994 King County Comprehensive Plan to meet the requirements of the Washington state Growth Management Act. The space plan is a subelement of the capital facilities element of the King County Comprehensive Plan and any amendments to that plan are currently required to be submitted by the executive to the council by August 1 of each year.

X. The Growth Management Act requires the county's Comprehensive Plan to be amended only once each year except for amendments, including those to the capital facilities element of the Comprehensive Plan, that occurs in conjunction with the adoption of the county budget.

SECTION 2. Ordinance 10810, Section 1, as amended, and K.C.C. 20.12.100 are each hereby amended to read as follows:

County space plan. The 2005 county space plan dated July 13, 2005, ((consisting of space standards, current and future space needs, county facility development policy framework, previously adopted county facility master plans and the annual county facility planning work program as contained in Attachments A and B to Ordinance 14515 is)) consisting of planning policies, location of county agencies and implementation plan, and incorporating the King County Department of Executive Services Space Plan 2004 transmitted by the executive on July 23, 2004, is adopted as a subelement of the public facilities element of the comprehensive plan and the master plan for county facility development as defined in K.C.C. 4.04.020. The ~~((adopted))~~ county space plan dated July 13, 2005, shall govern development of all facility master plans, facility program plans and CIP and lease requests for space housing county agency operations.

The executive shall update the current and future space needs and ~~((facility work program sections))~~ implementation plans of the county space plan and submit them to the council as amendments to the county space plan by ~~((August 1 of each year. New facility master plans shall also be adopted by the council as amendments to the county space plan))~~ March 1 of every other year, beginning on March 1, 2006. In

accordance with Motion 11118, any future space plan documentation should ~~((be used))~~ uluse as a guideline the document "A Template for Space Planning: Recommendation from the King County Space & Facilities Peer Review Panel December 2000" ~~(((for the purposes of this section,))~~ "peer review report")~~((-- For informational purposes only, the peer review report is included))~~, which was adopted as Attachment C to Ordinance 14515. While the peer review report should guide the preparation of future space planning documentation, ~~((the peer review report))~~ it does not constitute mandatory requirements for space planning.

SECTION 3. Ordinance 12045, Section 23, as amended, and K.C.C. 4.04.040 are each hereby amended to read as follows:

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

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

b. Before presentation to the council, the executive may provide for hearings on all agency requests for expenditures and revenues to enable ~~((him))~~ the executive to make determinations as to the need, value or usefulness of activities or programs requested by agencies. The executive may require the attendance of proper agency officials at such hearings, and it shall be their duty to disclose such information as may be required to enable the executive to arrive at final determinations.

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

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

e. Before ~~((to))~~ the public hearing on the budget, the budget message and supporting tables shall be

furnished to any interested person upon request, and copies of the budget shall be furnished for a reasonable fee as established by ordinance and shall be available for public inspection.

f. Seven days before the presentation of the annual budget and budget message to the council, the director shall submit to the council copies of all agency and departmental budget requests((~~7~~)) and departmental and divisional work programs.

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

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

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

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

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

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

fiscal period.

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

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

3. During the last quarter of the fiscal year, the council when requested by the executive may adopt an ordinance to transfer appropriations between agencies; but a capital project shall not be abandoned thereby unless its abandonment is recommended by the department or agency responsible for planning.

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

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

(1) The amount to be carried forward shall be one-half of the unexpended and unencumbered current expense appropriations which exceed underexpenditure requirements established for the year by the

director, and exceed any loss of grant, contract or similar revenues, which are dedicated to fund the activities supported by the applicable appropriations. These amounts must result from efficiencies and other management measures; and

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

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

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

e. An appropriation in the capital budget appropriations authorization shall be canceled at the end of the fiscal year, unless the executive submits to the council the report of the final year end reconciliation of expenditures for all capital projects on or before March 1((st)) of the year following the year of the appropriation, and each year thereafter in which the appropriation remains open.

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

a. The amount deposited in the current expense opportunity fund shall be one-half of the unexpended and unencumbered current expense appropriations which exceed underexpenditure requirements established for the year by the office of financial management, and exceed any loss of grant, contract or similar revenues, which are dedicated to fund the activities supported by the applicable appropriations. The calculated amount shall exclude appropriations requested in the subsequent fiscal year to pay for goods or services planned to be

purchased during the current fiscal year, but neither delivered nor paid for during the current fiscal year. The funds deposited in the current expense opportunity fund shall be equal to the funds made available to the savings incentive program.

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

6.a. Except as otherwise provided in this subsection B.6 of this section, no agency shall expend or contract to expend any money or incur any liability in excess of the amounts appropriated. Any contract made in violation of this section shall be null and void; any officer, agent or employee of the county knowingly responsible under such a contract shall be personally liable to anyone damaged by this action. The council when requested to do so by the executive may adopt an ordinance permitting the county to enter into contracts requiring the payment of funds from appropriations of subsequent fiscal years, except that the executive may enter into grant contracts, as provided under subsection B.7 of this section.

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

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

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

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

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

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

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

will be from the granting agency; or all financial obligations of the county under the contract are subject to appropriation.

30 days prior

official paper

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