Legislation Details (With Text)

File #:	2014-0439 **Version:** 2		
Type:	Ordinance	**Status:**	Passed
File created:	10/27/2014	**In control:**	Budget and Fiscal Management Committee
On agenda:		**Final action:**	11/10/2014
Enactment date:	11/20/2014	**Enactment #:**	17929

Title: AN ORDINANCE relating to budgeting and reporting; amending Ordinance 17834, Section 2, and K.C.C. 2.10.014, Ordinance 17834, Section 7, and K.C.C. 2.10.064, Ordinance 12075, Section 3, as amended, and K.C.C. 2.16.025, Ordinance 14199, Section 11, as amended, and K.C.C. 2.16.035, Ordinance 11955, Section 9, as amended, and K.C.C. 2.16.045, Ordinance 10563, Section 2, as amended, and K.C.C. 2.42.080, Ordinance 3441, Section 5, as amended, and K.C.C. 2.93.080, Ordinance 12045, Section 23, as amended, and K.C.C. 4.04.040, Ordinance 10772, Section 1, as amended, and K.C.C. 4.04.045, Ordinance 620, Section 4, as amended, and K.C.C. 4.04.060, Ordinance 620, Section 5, and K.C.C. 4.04.090, Ordinance 6818, Section 13, as amended, and K.C.C. 4.04.100, Ordinance 10489, Sections 1, 2, 3 and 4, as amended, and K.C.C. 4.04.260, Ordinance 17293, Section 8, and K.C.C. 4A.10.035, Ordinance 17293, Section 15, and K.C.C. 4A.10.075, Ordinance 17293, Section 20, and K.C.C. 4A.10.100, Ordinance 17293, Section 24, and K.C.C. 4A.10.125, Ordinance 17293, Section 29, and K.C.C. 4A.10.150, Ordinance 17293, Section 90, and K.C.C. 4A.10.495, Ordinance 17293, Section 96, and K.C.C. 4A.10.525, Ordinance 14482, Section 57, as amended, and K.C.C. 4.40.005, Ordinance 12045, Section 19, and K.C.C. 4.56.186, Ordinance 14236, Section 7, as amended, and K.C.C. 10.25.050, Ordinance 1058, Section 3, as amended, and K.C.C. 12.52.030, Ordinance 14714, Section 6, and K.C.C. 26.12.035, Ordinance 13680, Section 1 and K.C.C. 28.86.010, Ordinance 13680, Section 17, and K.C.C. 28.86.170 and Ordinance 13680, Section 18, as amended, and K.C.C. 28.86.180, adding a new chapter to K.C.C. Title 4A, adding new sections to K.C.C. chapter 4A.10, recodifying K.C.C. 4.04.025, K.C.C. 4.04.040, K.C.C. 4.04.045, K.C.C. 4.04.060, K.C.C. 4.04.090, K.C.C. 4.04.100 and K.C.C. 4.04.260 and repealing Ordinance 134 (part), as amended, and K.C.C. 2.12.070, Ordinance 620, Section 2, as amended, and K.C.C. 4.04.010, Ordinance 12076, Section 3, as amended, and K.C.C. 4.04.030, Ordinance 620, Section 4, and K.C.C. 4.04.050, Ordinance 16445, Section 4, and K.C.C. 4.04.062, Ordinance 620, Section 4 (part), and K.C.C. 4.04.070, Ordinance 12076, Section 5, as amended, and K.C.C. 4.04.200, Ordinance 7159, Section 7, as amended, and K.C.C. 4.04.210, Ordinance 12138, Section 5, as amended, and K.C.C. 4.04.220, Ordinance 12076, Section 6, as amended, and K.C.C. 4.04.240, Ordinance 16764, Section 4, as amended, and K.C.C. 4.04.247, Ordinance 7159, Section 13, as amended, and K.C.C. 4.04.250, Ordinance 14743, Section 6, as amended, and K.C.C. 4.04.265, Ordinance 14743, Section 7, as amended, and K.C.C. 4.04.266, Ordinance 13035, Section 5, as amended, and K.C.C. 4.04.270, Ordinance 14811, Section 6, as amended, and K.C.C. 4.04.273, Ordinance 14552, Section 5, as amended, and K.C.C. 4.04.275, Ordinance 14122, Section 6, as amended, and K.C.C. 4.04.280, Ordinance 14452, Section 6, as amended, and K.C.C. 4.04.300, Ordinance 17293, Section 17, and K.C.C. 4A.10.080, Ordinance 17293, Section 16, and K.C.C. 4A.10.085, Ordinance 17293, Section 19, and K.C.C. 4A.10.095, Ordinance 17293, Section 59, and K.C.C. 4A.10.320, Ordinance 17293, Section 70, and K.C.C. 4A.10.390, Ordinance 17293, Section 77, and K.C.C. 4A.10.425, Ordinance 17293, Section 78, and K.C.C. 4A.10.430, Ordinance 17293, Section 85, and K.C.C. 4A.10.470, and Ordinance 17293, Section 98, and K.C.C. 4A.10.535.

Sponsors: Joe McDermott

Indexes: Budget

Code sections: 10.25.050 -, 12.52.030 - ., 2.10.014 - ., 2.10.064 - ., 2.12.070 -, 2.16.025 -, 2.16.035 -, 2.16.045 -, 2.42.080 - ., 2.93.080 - ., 26.12.035 - ., 28.86.170 - ., 28.86.180 -, 4.04.010 - ., 4.04.025 - ., 4.04.030 -, 4.04.040 -, 4.04.040 - ., 4.04.045 - ., 4.04.045 - ., 4.04.050 - ., 4.04.060 -, 4.04.060 - ., 4.04.062 - ., 4.04.070 - ., 4.04.090 - ., 4.04.090 - ., 4.04.100 - ., 4.04.100 - ., 4.04.200 -, 4.04.210 - ., 4.04.220 - ., 4.04.240 - ., 4.04.247 - ., 4.04.250 -, 4.04.260 - ., 4.04.260 - ., 4.04.265 - ., 4.04.266 - ., 4.04.270 -,

4.04.273 - ., 4.04.275 - ., 4.04.280 -, 4.04.300 - ., 4.40.005 - ., 4.56.186 - ., 4A.10 - ., 4A.10.035 - ., 4A.10.075 - ., 4A.10.080 - ., 4A.10.080 - ., 4A.10.085 - ., 4A.10.085 - ., 4A.10.095 - ., 4A.10.100 - ., 4A.10.125 - ., 4A.10.150 - ., 4A.10.320 - ., 4A.10.320 - ., 4A.10.390 - ., 4A.10.425 - ., 4A.10.430 - ., 4A.10.470 - ., 4A.10.495 - ., 4A.10.525 - ., 4A.10.535 - .

Attachments: 1. Ordinance 17929.pdf, 2. Staff Report Proposed Ordinances 2014-0438, 2014-0439, 2014-0440.doc, 3. Attachment 4 Crosswalk for PO 2014-0439.docx, 4. Staff Report dated November 4, 2014 Title 4 Rewrite.doc, 5. FINAL 2014-0439 title amendment 11-04-14.docx, 6. FINAL 2014-0439 Amendment 11-04-14.docx, 7. 2014-0439 Amendment-2 11-06-14.docx

Date	Ver.	Action By	Action	Result
11/10/2014	2	Metropolitan King County Council	Hearing Held	
11/10/2014	2	Metropolitan King County Council	Passed	Pass
11/6/2014	1	Budget and Fiscal Management Committee	Recommended Do Pass Substitute Consent	Pass
11/4/2014	1	Budget and Fiscal Management Committee	Deferred	
10/29/2014	1	Budget and Fiscal Management Committee	Deferred	
10/28/2014	1	Budget and Fiscal Management Committee	Deferred	
10/27/2014	1	Metropolitan King County Council	Introduced and Referred	

Clerk 11/07/2014

AN ORDINANCE relating to budgeting and reporting; amending Ordinance 17834, Section 2, and K.C.C. 2.10.014, Ordinance 17834, Section 7, and K.C.C. 2.10.064, Ordinance 12075, Section 3, as amended, and K.C.C. 2.16.025, Ordinance 14199, Section 11, as amended, and K.C.C. 2.16.035, Ordinance 11955, Section 9, as amended, and K.C.C. 2.16.045, Ordinance 10563, Section 2, as amended, and K.C.C. 2.42.080, Ordinance 3441, Section 5, as amended, and K.C.C. 2.93.080, Ordinance 12045, Section 23, as amended, and K.C.C. 4.04.040, Ordinance 10772, Section 1, as amended, and K.C.C. 4.04.045, Ordinance 620, Section 4, as amended, and K.C.C. 4.04.060, Ordinance 620, Section 5, and K.C.C. 4.04.090, Ordinance 6818, Section 13, as amended, and K.C.C. 4.04.100, Ordinance 10489, Sections 1, 2, 3 and 4, as amended, and K.C.C. 4.04.260, Ordinance 17293, Section 8, and K.C.C. 4A.10.035, Ordinance 17293, Section 15, and K.C.C. 4A.10.075, Ordinance 17293, Section 20, and

powered by Legistar™

K.C.C. 4A.10.100, Ordinance 17293, Section 24, and K.C.C. 4A.10.125, Ordinance 17293, Section 29, and K.C.C. 4A.10.150, Ordinance 17293, Section 90, and K.C.C. 4A.10.495, Ordinance 17293, Section 96, and K.C.C. 4A.10.525, Ordinance 14482, Section 57, as amended, and K.C.C. 4.40.005, Ordinance 12045, Section 19, and K.C.C. 4.56.186, Ordinance 14236, Section 7, as amended, and K.C.C. 10.25.050, Ordinance 1058, Section 3, as amended, and K.C.C. 12.52.030, Ordinance 14714, Section 6, and K.C.C. 26.12.035, Ordinance 13680, Section 1 and K.C.C. 28.86.010, Ordinance 13680, Section 17, and K.C.C. 28.86.170 and Ordinance 13680, Section 18, as amended, and K.C.C. 28.86.180, adding a new chapter to K.C.C. Title 4A, adding new sections to K.C.C. chapter 4A.10, recodifying K.C.C. 4.04.025, K.C.C. 4.04.040, K.C.C. 4.04.045, K.C.C. 4.04.060, K.C.C. 4.04.090, K.C.C. 4.04.100 and K.C.C. 4.04.260 and repealing Ordinance 134 (part), as amended, and K.C.C. 2.12.070, Ordinance 620, Section 2, as amended, and K.C.C. 4.04.010, Ordinance 12076, Section 3, as amended, and K.C.C. 4.04.030, Ordinance 620, Section 4, and K.C.C. 4.04.050, Ordinance 16445, Section 4, and K.C.C. 4.04.062, Ordinance 620, Section 4 (part), and K.C.C. 4.04.070, Ordinance 12076, Section 5, as amended, and K.C.C. 4.04.200, Ordinance 7159, Section 7, as amended, and K.C.C. 4.04.210, Ordinance 12138, Section 5, as amended, and K.C.C. 4.04.220, Ordinance 12076, Section 6, as amended, and K.C.C. 4.04.240, Ordinance 16764, Section 4, as amended, and K.C.C. 4.04.247, Ordinance 7159, Section 13, as amended, and K.C.C. 4.04.250, Ordinance 14743, Section 6, as amended, and K.C.C. 4.04.265, Ordinance 14743, Section 7, as amended, and K.C.C. 4.04.266, Ordinance 13035, Section 5, as amended, and K.C.C. 4.04.270, Ordinance 14811,

Section 6, as amended, and K.C.C. 4.04.273, Ordinance 14552, Section 5, as amended, and K.C.C. 4.04.275, Ordinance 14122, Section 6, as amended, and K.C.C. 4.04.280, Ordinance 14452, Section 6, as amended, and K.C.C. 4.04.300, Ordinance 17293, Section 17, and K.C.C. 4A.10.080, Ordinance 17293, Section 16, and K.C.C. 4A.10.085, Ordinance 17293, Section 19, and K.C.C. 4A.10.095, Ordinance 17293, Section 59, and K.C.C. 4A.10.320, Ordinance 17293, Section 70, and K.C.C. 4A.10.390, Ordinance 17293, Section 77, and K.C.C. 4A.10.425, Ordinance 17293, Section 78, and K.C.C. 4A.10.430, Ordinance 17293, Section 85, and K.C.C. 4A.10.470, and Ordinance 17293, Section 98, and K.C.C. 4A.10.535.

PREAMBLE:

The existing code on revenue and fiscal regulation, K.C.C. Title 4, was created for the most part in the 1970s and 1980s, though some provisions date back to at least the 1940s. Since the creation of K.C.C. Title 4, the title has been subject to many amendments each year. The council determines that a new title on revenue and fiscal regulation, K.C.C. Title 4A, should be created, and material related to revenue and fiscal matters be codified in that title, and all other material in K.C.C. Title 4 that is not appropriate to be codified K.C.C. Title 4A should be codified in the appropriate titles.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 17834, Section 2, and K.C.C. 2.10.014 are each hereby amended to read as follows:

A. It is the intent of the King County council to establish within the county government a performance management and accountability system that ensures an ongoing, systematic approach to improving county governmental operations and ensures government program results through a system of strategic planning,

evidence-based decision making, continuous performance improvement and a focus on accountability in the achievement of prioritized goals.

B. The performance management and accountability system shall:

1. Engage the public and county leadership in the development of countywide priorities;

2. Demonstrate achievement in meeting the county's goals;

3. Increase the ability of county managers and staff to continuously improve performance and customer service and to assess program effectiveness; and

4. Assist county elected leaders in making policy and budget decisions in support of county goals and objectives.

C. The performance management and accountability systems shall consist of:

1. A system of strategic planning including:

a. vision and policy priorities;

b. strategic innovation priorities; and

c. business plans;

2. The King County budget as authorized under K.C.C. chapter ((~~4.04~~)) 4A.xx (the chapter established in section 9 of this ordinance);

3. A system of implementation, performance measurement and continuous improvement consistent with authorities and responsibilities of the King County Charter; and

4. Regular reporting and evaluation of results.

SECTION 2. Ordinance 17834, Section 7, and K.C.C. 2.10.064 are each hereby amended to read as follows:

A. Each agency shall develop a business plan, which shall include:

1. Policies and prioritization criteria affecting implementation, including, but not limited to, operational, facilities, asset management, technology and climate action;

2. The agency's results for each of its targets for the last two years and, as available, ten-year results trends;

3. Strategies and actions to be implemented;

4. Specific results and targets to be achieved for the period of the business plan;

5. Identification of the operational and capital resources necessary to deliver strategies and actions, including facilities and technology for the period of the business plan;

6. A financial plan for the period of the business plan;

7. A two-year implementation plan, including detail regarding strategies and actions, additional capital resources, proposed fund expenditures and estimated revenues and targets to be achieved; and

8. Analysis of alternatives considered and the estimated costs, as well as the criteria used to evaluate alternatives to accomplish goals and objectives.

B. Each business plan must align to the vision and policy priorities, as well as reflect policies contained in other county planning documents adopted by ordinance.

D. Business plans shall be transmitted with the executive's proposed budget consistent with ((~~K.C.C. 4.04.030~~)) K.C.C. chapter 4A.xx (the chapter established in section 9 of this ordinance).

SECTION 3. Ordinance 134 (part), as amended, and K.C.C. 2.12.070 are each hereby repealed.

SECTION 4. Ordinance 12075, Section 3, as amended, and K.C.C. 2.16.025 are each hereby amended to read as follows:

A. The county executive shall manage and be fiscally accountable for the office of performance, strategy and budget and the office of labor relations.

B. The office of performance, strategy and budget functions and responsibilities shall include, but not be limited to:

1. Planning, preparing and managing, with emphasis on fiscal management and control aspects, the annual operating and capital ((~~improvement~~)) project budgets;

2. Preparing forecasts of and monitor revenues;

3. Monitoring expenditures and work programs in accordance with Section 475 of the King County Charter;

4. Developing and preparing expenditure plans and ordinances to manage the implementation of the operating and capital ((~~improvement~~)) project budgets throughout the fiscal ((~~year~~)) period;

5. Formulating and implementing financial policies regarding revenues and expenditures for the county and other applicable agencies;

6. Performing program analysis and contract and performance evaluation review;

7. Developing and transmitting to the council, concurrent with the ((~~annual~~)) biennial proposed budget, supporting materials consistent with ((~~K.C.C. 4.04.030~~)) K.C.C. chapter 4A.xx (the chapter established in section 9 of this ordinance);

8. Performance management and accountability:

a. providing leadership and coordination of the performance management and accountability system countywide;

b. overseeing the development of strategic plans and business plans for each executive branch department and office;

c. providing technical assistance on the development of strategic plans and business plans for agencies;

d. developing and using community-level indicators and agency performance measures to monitor and evaluate the effectiveness and efficiency of county agencies;

e. overseeing the production of an annual performance report for the executive branch;

f. coordinating performance review process of executive branch departments and offices;

g. collecting and analyzing land development, population, housing, natural resource enhancement, transportation and economic activity data to aid decision making and to support implementation of county plans

and programs, including benchmarks;

h. leading public engagement and working in support of county performance management, budget and strategic planning; and

i. developing and transmitting to the council an annual report on April 30 about the benefits achieved from technology projects. The report shall include information about the benefits obtained from completed projects and a comparison with benefits that were projected during different stages of the project. The report shall also include a description of the expected benefits from those projects not yet completed. The report shall be approved by the council by motion. The report and motion 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;

9. Strategic planning and interagency coordination:

a. coordinating and staffing executive initiatives across departments and agencies;

b. facilitating interdepartmental, interagency and interbranch teams on multidisciplinary issues;

c. leading governance transition efforts for the urban area consistent with the Growth Management Act;

d. providing technical assistance in the update of regional growth management planning efforts including the Countywide Planning Policies and distribution of jurisdictional population and employment growth targets;

e. providing assistance in the development of agency and system planning efforts such as ((~~operational master~~)) agency business plans;

f. negotiating interlocal agreements as designated by the executive; and

g. serving as the liaison to the boundary review board for King County; and

10. Business relations and economic development:

a. developing proposed policies to address regional, unincorporated urban, and rural economic

development;

b. establishing, fostering and maintaining healthy relations with business and industry;

c. implementing strategies and developing opportunities that include partnering with, cities, the Port of Seattle and other economic entities on regional and subregional economic development projects;

d. developing and implementing strategies to promote economic revitalization and equitable development in urban unincorporated areas including the possible assembly of property for the purpose of redevelopment;

e. refining and implementing strategies in the county's rural economic strategies to preserve and enhance the rural economic base so that the rural area can be a place to both live and work; and

f. assisting communities and businesses in creating economic opportunities, promoting a diversified economy and promoting job creation with the emphasis on family-wage jobs.

C. The office of labor relations functions and responsibilities shall include, but not be limited to:

1. Representing county agencies in the collective bargaining process as required by chapter 41.56 RCW;

2. Developing and maintaining databases of information relevant to the collective bargaining process;

3. Representing county agencies in labor arbitrations, appeals, and hearings including those in chapter 41.56 RCW and required by K.C.C. Title 3, in collaboration with the human resources management division;

4. Administering labor contracts and providing consultation to county agencies regarding the terms and implementation of negotiated labor agreements, in collaboration with the human resources management division;

5. Advising the executive and council on overall county labor policies; and

6. Providing resources for labor relations training for county agencies, the executive, the council and others, in collaboration with the human resources management division.

D.1. The county council hereby delegates to the executive or the executive's designee authority to

request a hearing before the Washington state Liquor Control Board and make written recommendations and objections regarding applications relating to:

a. liquor licenses under chapter 66.20 RCW; and

b. licenses for marijuana producers, processors or retailers under chapter 69.50 RCW.

2. Before making a recommendation under subsection D.1. of this section, the executive or the executive's designee shall solicit comments from county departments and agencies, including, but not limited to, the department of permitting and environmental review, public health - Seattle & King County, the sheriff's office and the prosecuting attorney's office.

3. For each application reviewed under subsection D.1.b. of this section, the executive shall transmit to the county council a copy of the application received with the applicant's name and proposed license application location, a copy of all comments received under subsection D.2. of this section and the executive's recommendation to the Washington state Liquor Control board.

E. The executive may assign or delegate budgeting, performance management and accountability, economic development and strategic planning and interagency coordination functions to employees in the office of the executive but shall not assign or delegate those functions to any departments.

SECTION 5. 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 ((~~4.16~~)) 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. ((~~4.19.070.D~~)) 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; and

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.

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 departments of natural resources and parks and transportation;

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 ((~~4.04~~)) 4A.xx (the chapter established in section 9 of this ordinance), 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 ((~~improvement~~)) projects;

d. assisting county agencies in the acquisition of appropriate facility sites;

e. formulating guidelines for the development of operational and capital ((~~improvement~~)) project plans;

f. assisting user agencies in the development of capital ((i~~mprovement~~)) projects and project ((~~program~~)) plans, as defined and provided for in K.C.C. chapter ((~~4.04~~)) 4A.xx (the chapter established in section 9 of this ordinance);

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 ((~~improvement~~)) project plans with the adopted space plan and ((~~approved operational master~~)) agency business plans;

i. developing project cost estimates that are included in capital ((~~improvement~~)) project plans, site master plans, capital projects and ((~~annual~~)) 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. Title 4~~)) K.C.C. chapter 4A.xx (the chapter established in section 9 of this ordinance);

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 ((~~improvement~~)) 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 ((~~4.12~~)) 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;

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

3. Managing the E911 emergency telephone program.

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 6. 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 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 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 ground water, 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. The director's office shall manage the county's historic preservation program including landmark designation, protection and enhancement to support tourism development, downtown revitalization and environmental and cultural sustainability.

B.1. The duties of the wastewater 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;

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; and

13. Administering and operating the mitigation reserves program's in-lieu fee program.

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~~)) agency business plan under K.C.C. 2.10.064 and ((~~develop~~)) developing and monitoring a capital ((~~improvement~~)) project plan as defined in K.C.C. chapter ((~~4.04~~)) 4A.xx (the chapter established in section 9 of this ordinance) ((~~and overseeing the development of capital projects~~));

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;

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

13. Developing and administering for the wastewater treatment division use agreements under K.C.C. 4.56.150.E.1.d., rental or lease agreements under K.C.C. 4.56.150.F., permits under K.C.C. 7.12.040 or special use permits under K.C.C. 7.12.050, for the Brightwater Environmental Education and Community Center. The applicable provisions for use of the Brightwater Environmental Education and Community Center facility are contained in K.C.C. chapter 28.84.

SECTION 7. Ordinance 10563, Section 2, as amended, and K.C.C. 2.42.080 are each hereby amended to read as follows:

A. The medical center shall prepare a long-range capital improvement program ("CIP") plan, which shall be approved by the board and by the county governing authority by ordinance. The long-range CIP plan shall identify the medical center's needs for ensuring quality patient care consistent with the medical center's mission statement and county policy describing the medical center's purpose, priority programs, priority patient groups and other requirements ((~~set forth~~)) in this chapter. The long-range CIP plan shall be updated at least once every five years, or more frequently, if deemed necessary by the board. All changes to the long-range CIP plan ((~~will~~)) shall be treated as amendments to the plan previously approved by ordinance.

B. Annually, the medical center shall prepare a six-year CIP budget, which shall be approved by the board and submitted to the county executive consistent with the executive's annual budget preparation process. The medical center CIP budget shall contain the specific capital improvements necessary to meet the needs, policies and priorities identified in the approved long-range CIP plan.

C. The ((~~county~~)) executive shall submit the medical center's six-year CIP budget to the ((~~county~~)) council as part of the executive's proposed six-year CIP budget for the county. The council will review the proposed CIP budget and approve appropriations for all medical center CIP projects subject to subsection E. ((~~below~~)) of this section, for the following year.

D. All capital improvement projects at the medical center which are funded in whole or in part with the proceeds of county tax revenues, bonds or other debt issued by the county, grants to the county, gifts or

donations ((~~to the county~~)) shall be subject to, planned and administered consistent with this chapter and K.C.C. Title 4A ((~~of the King County Code~~)).

E.1. Notwithstanding any provisions of this chapter or K.C.C. Title 4A ((~~of the King County Code~~)) to the contrary, all capital improvement projects at the medical center ((~~which~~)) that are funded exclusively with medical center revenues and ((~~which~~)) that are budgeted over the life of the project for an amount not exceeding ((~~$1,000,000,~~)) one million dollars shall be managed, designed, planned, developed and overseen by medical center administration, subject to review and approval by the board. All capital improvement project activities conducted ((~~pursuant to~~)) under this subsection shall comply with state law, ((~~the provisions of~~)) this subsection and policies and procedures to be approved by the ((~~county~~))) executive, following consultation with the board. ((~~Such~~)) The policies and procedures shall include, but not be limited to, the following ((~~components~~)):

1. Procedures for the open and competitive solicitation of bids for CIP projects costing more than ((~~$10,000~~)) ten thousand dollars;

2. Elements to be included within all CIP project budgets, which shall include, at a minimum:

a. architect and engineering design fees;

b. consultant fees;

c. direct construction costs;

d. fees and permits;

e. on-site costs;

f. off-site costs;

g. contingency budget; and

h. project management and administration costs.

3. Policies and procedures to increase the opportunities for minority and women's businesses to participate in CIP project contracts. These policies and procedures shall include, at a minimum: separate

utilization goals for the use of minority and women's businesses, which shall be reasonably achievable and shall be the minimum utilization identified in all bid solicitations; reporting and enforcement guidelines; and the identification of medical center staff necessary to implement this subsection;

4. Procedures for review and evaluation of design consultants;

5. Procedures for reporting and control, which shall include, at a minimum:

a. monthly reports from staff at the medical center to the board on the status of the budget, scope and schedule for all CIP projects subject to this subsection;

b. quarterly reports from the board to the ((~~county~~)) executive on the status of the budget, scope and schedule for all CIP projects subject to this subsection;

c. immediate notification by staff at the medical center to the board and the ((~~county~~)) executive, if a CIP project subject to this subsection exceeds its authorized budget;

d. ((~~semi-annual~~)) semiannual reports from the board to the ((~~county~~)) executive for transmittal to the ((~~county~~)) council on the status of the budget, scope and schedule for all CIP projects subject to this subsection;

e. annual reports from the board to the ((~~county~~)) executive for transmittal to the ((~~county~~)) council evaluating the medical center's compliance with its utilization goals for minority and women's business participation in CIP projects subject to this subsection.

F. All costs of capital improvement projects administered by the medical center ((~~pursuant to~~)) under subsection E. of this section shall be paid from medical center revenues. So long as management of the medical center is delegated by contract to the University of Washington, exemption of such capital improvement projects from K.C.C. Title 4A ((~~of this code~~)) shall be effective only if the University of Washington agrees to indemnify the county and its elected and appointed officers, agents and employees from costs, claims, damages or liability arising out of ((~~such capital improvement~~)) the CIP projects in a form acceptable to the county.

G. Subsection E. of this section shall remain in effect until ((~~June 30, 2010,~~)) the expiration date of the

((~~current~~)) 1995 management and operations contract between the Harborview Medical Center Board of Trustees and the University of Washington Board of Regents existing as of the effective date of this ordinance and as may be amended.

H.1. From the annual operating revenue of Harborview Medical Center, the medical center shall fund depreciation reserves to be allocated to the major movable equipment (((~~fund 502~~))) and building repair and replacement (((~~Fund 3961~~))) funds and transfer ((~~this~~)) the depreciation reserve funding into the respective capital funds. Harborview Medical Center shall designate a minimum of ((~~$10.8~~)) ten million eight hundred thousand dollars annual depreciation reserve commitment and allocate it as follows:

(((~~1~~))) a. The building repair and replacement fund annual funding amount shall be in accordance with the annual budget submitted to the county, but shall not be less than ((~~$4.0~~)) four million dollars per year; and

(((~~2~~))) b. The balance, or not less than ((~~$6.8~~)) six million eight hundred thousand dollars of the minimum ((~~$10.8~~)) ten million eight hundred thousand dollar annual depreciation reserve commitment ((~~will~~)) shall be allocated for moveable equipment.

2. An annual report ((~~will~~)) shall be provided to the ((~~county~~)) executive and council detailing major moveable equipment expenditures and revenue sources in Fund 502. ((~~The requirement to fund depreciation reserves will be re-evaluated upon the completion of the independent evaluation of Harborview's finances established in Subsection H.~~

~~1.~~)) 3. The transfers to ((~~Funds 3961 and 502~~)) the major movable equipment fund and the building repair and replacement fund shall occur no later than ((~~30~~)) thirty days after the end of the medical center's fiscal year.

((~~2.~~)) 4. When planned expenditures exceed the funds available in the building repair and replacement fund, the additional funding ((~~will~~)) shall come from an extraordinary funding source other than the ((~~C~~))county's ((~~Current Expense~~)) general ((~~F~~))fund.

((~~3.~~)) 5. The difference, between the ((~~$6.8~~)) six million eight hundred thousand dollars available for moveable equipment and the ((~~$10.8~~)) ten million eight hundred thousand dollars projected moveable equipment need, or ((~~$4.0~~)) four million dollars annually, ((~~will~~)) shall be included as part of an allotment through an extraordinary funding source, not including the county's ((~~Current Expense~~)) general ((~~F~~))fund.

((~~4. The county, in collaboration with Harborview and the University of Washington, will support an independent evaluation of Harborview financial information included in the Arthur Andersen report submitted to the county in May 1997 and source funding opportunities, in conjunction with the (1997-98) LRCIP facility study and master plan review currently underway. The independent evaluation shall be completed by May 1, 1999.~~))

I. King County ((~~will~~)) shall continue to be responsible for major long range (((~~LRCIP~~))) infrastructure capital repairs, replacements and improvements and major (((~~LRCIP~~))) additions, using voter approved bonds or other funding mechanisms approved by the county governing authority.

J. There is created a ((~~Medical Center Building Repair and Replacement Fund~~)) medical center building repair and replacement fund, which shall be a county capital project fund and shall be used to account for the regular segregation of building repair and replacement capital reserves, including investment income. From the building repair and replacement fund shall be drawn payments for the acquisition of fixed equipment, building renovations and improvements as approved by the board.

1. ((~~Monies~~)) Moneys deposited in the building repair and replacement fund shall be invested solely for the benefit of that fund. The board may make transfers to the fund on a more frequent basis.

2. The ((~~monies~~)) moneys deposited in this fund shall be used solely for the renovation and/or improvement of the medical center's buildings and equipment, subject to the capital budgeting provisions of this chapter.

SECTION 8. Ordinance 3441, Section 5, as amended, and K.C.C. 2.93.080 are each hereby amended to read as follows:

A. In the event of an emergency, as defined in RCW 39.04.280, now and as hereinafter amended, the executive may issue a determination of emergency. In the event of an emergency, as defined in K.C.C. 12.52.010, the executive may ((~~issue a determination of emergency or~~)) proclaim an emergency ((~~pursuant to~~)) in accordance with K.C.C. chapter 12.52 ((~~reciting~~)). In either the declaration or the proclamation, the executive shall recite the facts constituting the emergency ((~~same~~)). Upon issuance of such a determination or proclamation the executive may issue a waiver of the requirements of this chapter, section 20 of this ordinance and K.C.C. chapters ((~~4.04, 4.16, 4.18,~~)) 12.16 and 12.18 with reference to any contract relating to the county's lease or purchase of tangible personal property or services, contracts for public works as defined by RCW 39.04.010, or to the selection and award of either professional ((~~and/~~))or technical service consultant contracts, or both. ((~~Such~~)) The waiver shall continue in force and effect until terminated by order of the executive or action by the council by ordinance. However, waivers for contracts entered into, that combined, encumber funds either in excess of two hundred fifty thousand dollars, or in excess of appropriation shall be subject to subsection B. of this section.

An emergency waiver of the requirements of K.C.C. chapter ((~~s 4.18,~~)) 12.16 and K.C.C. 12.18.095, ((~~pursuant to~~)) under this section, shall not amend the annual utilization goals unless the emergency makes it impossible to achieve the annual utilization goals. The executive shall report, in detail, such emergency expenditures to the county council within forty-five days of determining an emergency.

B. Waivers for contracts((~~, which~~)) that, combined for each emergency, exceed two hundred fifty thousand dollars, or are in excess of appropriation shall be forwarded to the clerk of the council no later than 10:00 a.m. the second business day after it is issued. Such a waiver shall continue to have force and effect until terminated by order of the executive or action of the council by ordinance, or until it expires, which shall be ten calendar days after there have been contracts entered into, ((~~which~~)) that combined, encumber funds either in excess of two hundred fifty thousand dollars((~~,~~)) or in excess of appropriation. The council, by motion, may extend a waiver beyond the ten-day period ((~~above~~)).

powered by Legistar™

C. In the event a waiver authorized under this section expires or is terminated, no further contracts or purchases may be made without complying with the ((~~non-emergency~~)) nonemergency contracting provisions of this chapter, section 20 of this ordinance and K.C.C. chapters 2.93, ((~~4.04, 4.16,4.18,~~)) 12.16 and 12.18. Any contract entered into under the authority of this section shall contain provisions allowing the county to terminate the contract for convenience or as a result of the expiration or termination of an emergency waiver as provided in this section. Such contract termination provisions shall authorize the county to pay the contractor only that portion of the contract price corresponding to work completed to the county's satisfaction ((~~prior to~~)) before termination, together with costs necessarily incurred by the contractor in terminating the remaining portion of work, less any payments made before termination.

D. Reasonably necessary expenditures to respond to the emergency ((~~caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, or for the immediate preservation of order or of public health or for the restoration to a condition of usefulness of any public property, the usefulness of which has been destroyed or where delay will result in financial loss to the county, or for the relief of a stricken community overtaken by such occurrences, that are directly associated and reasonably limited to stabilizing or repairing the public health, safety, interest, or property of the county that resulted in the emergency~~)) will not result in contracts or purchases being null and void, notwithstanding the lack of an appropriation. If the responsible director determines that the expenditures were made in excess of an appropriation, the executive will request an appropriation, specifying the source of funds.

SECTION 9. There is hereby established a new chapter in K.C.C. Title 4A. The new chapter shall contain K.C.C. 4.04.025, as recodified by this ordinance, section 13 of this ordinance, section 14 of this ordinance, K.C.C. 4.04.040, as recodified by this ordinance, K.C.C. 4.04.045, as recodified by this ordinance, section 19 of this ordinance, section 20 of this ordinance, section 21 of this ordinance, section 22 of this ordinance, K.C.C. 4.04.060, as recodified by this ordinance, K.C.C. 4.04.090, as recodified by this ordinance, K.C.C. 4.04.100, as recodified by this ordinance, and K.C.C. 4.04.260, as recodified by this ordinance.

SECTION 10. Ordinance 620, Section 2, as amended, and K.C.C. 4.04.010 are hereby repealed.

SECTION 11. K.C.C. 4.04.025 is hereby recodified as a new section in the new chapter established in section 9 of this ordinance.

SECTION 12. Ordinance 12076, Section 3, as amended, and K.C.C. 4.04.030, are hereby repealed.

NEW SECTION. SECTION 13. There is hereby added to the chapter established in section 9 of this ordinance a new section to read as follows:

The budget shall include, but not be limited to, the following:

A. An electronic database with balanced revenues and expenditures for all county agencies at the lowest organization and account levels and all summary levels;

B. Complete financial plans for each fund requesting expenditure authority showing planned expenditures, and the sources of revenue from which each fund is to be financed. For any financial plan, the total proposed expenditures shall not be greater than the total proposed revenues plus any available fund balances that might be applied in excess of required reserves. For capital funds, the financial plan shall indicate that the carryover budget is supported by fund balance and revenues to be collected. If the estimated revenues plus fund balance is less than the estimated expenditures proposed by the executive, the executive shall include in the financial plan a proposal as to the manner in which the anticipated deficit is to be met. Financial plans shall indicate any fund balances and reserves within the fund and shall be consistent with all financial policies adopted by the council;

C. Revenue detail, which shall be reported in fund financial plans and in the electronic database, and shall include:

1. Estimated revenue by fund and by source from taxation as well as from all other sources, including estimated revenue from future bond sales. All revenue estimates shall be fully detailed by the standard classification of accounts. Assumptions made related to changes from current fiscal period adopted levels shall be documented;

2. Actual revenues for the first eighteen months of the current fiscal period;

3. Actual revenues for the last completed biennium by fund and by source as reported in the county's financial system of record by account for agencies and funds unless deviations are explained and enhance the clarity of the presentation;

4. Estimated fund balance or deficit for current and the next two fiscal periods by fund; and

5. Such additional information dealing with revenues as either the executive or the council deems necessary;

D. Operating fund expenditure detail, which shall be reported in fund financial plans and in the electronic database, and shall include:

1. Tabulation of expenditures by any combination of fund, program or object of expenditure;

2. Actual expenditures at the account level by agency and fund for the first eighteen months of the current biennium;

3. Actual expenditures for the last completed biennium as reported in the county's financial system of record by account for agencies and fund;

4. The amount of expenditure authority in the current biennium adjusted to reflect supplemental appropriations made in the first eighteen months of the fiscal period; and

5. If a single fund finances both operating expenses and capital projects, separate appropriations from the fund for the operating and the capital sections of the budget;

E. All expenditures and revenues associated with internal service funds;

F. The general fund overhead cost allocation plan methodology for charging general fund costs to other county funds, which shall be developed as provided in K.C.C. 4.04.045, as recodified by this ordinance;

G. Brief explanations of existing and proposed new programs, as well as the purpose and a description of agency activities;

H. The maximum number of full time equivalent positions requested for the fiscal period;

I. The estimated number of term limited temporary employees for the ensuing fiscal period;

J. Technology business plans in accordance with K.C.C. 2.16.0755;

K. Agency business plans in accordance with K.C.C. 2.10.064;

L. A report that lists cancelled funds, the amounts of residual balances, if any, and the active funds to receive residual balances;

M. A capital improvement program that meets the requirements of section 14 of this ordinance; and

N. Other supporting data that the executive and the council agree is necessary to determine expenditure authority for the fiscal period.

NEW SECTION. SECTION 14. There is hereby added to the chapter established in section 9 of this ordinance a new section to read as follows:

A. All capital projects shall be included in the six-year capital improvement program for the fiscal period and the next two fiscal periods and shall be organized by fund in the budget. The capital improvement program shall reflect changes, as needed, to capital projects resulting from determinations that the capital budget is not supported by fund balance and revenues to be collected. If the budget includes a new mandatory phased appropriation project or an additional or amended capital budget appropriation for an existing mandatory phased appropriation project, the executive shall submit supporting data as identified in K.C.C. 4.04.245.F. through H. A bond ordinance to provide funding for a capital project is not an appropriation for capital projects.

B. The capital improvement program shall include the following supporting data in a standard format for each capital project, in the form of an electronic database, when possible, with a capital project number, project title, division, department, council district, fund number and fund name, appropriation and expenditures to date and six-year appropriations. The electronic database should provide the capability to sort the capital improvement program by capital project number, division, department, council district, fund number and fund name. Supporting data shall include:

1. Estimated expenditure authority for at least the next six years, by program;

2. Expenditure authority proposed for existing or new capital projects during the ensuing fiscal period, with information indicating sources of proposed revenue;

3. Whether the proposed project is the result of an operational need identified in an executive and council approved business plan and project plan;

4. Anticipated project schedule information;

5. Estimated net annual operating costs associated with each capital project upon completion, if applicable;

6. An enumeration of any revised capital project cost estimates;

7. Life to date expenditure authority and moneys expended on the project life to date;

8. Anticipated specific project phases within each capital project, including the individual allocations by project phase;

9. A list of planned subprojects including an assigned capital project number, project title, division, department, council district, fund number and fund name;

10. A list of capital project appropriation requests, including an explanation of how the capital project complies with applicable plans under section 19 of this ordinance.

11. One emergent need contingency project and any grant contingency projects under sections 21 and 22 of this ordinance may be included in the capital improvement program at the fund level;

12. A list of lapsed capital projects for which the appropriation has lapsed because the capital project has been abandoned or no expenditure or encumbrance has been made on the project for three years shall be disappropriated; and

13. Separate operating and operating transfers to capital appropriations if a single fund finances both operating expenses and capital projects.

C. Project plans, also known as capital appropriation proposal forms, shall include, but not be limited

to:

1. Project number, project title, program, division, department, council district, fund number and fund name;

2. The project's scope and a brief description of how the project satisfies the agency's business plan requirements and, if applicable, how the project satisfies the agency's site master plan;

3. Current phase of project, phase status and whether the project has been designated as a mandatory phased appropriation project;

4. Project baseline, if established, and explanation of any significant variance from it;

5. An explanation of alternatives considered;

6. Appropriation and expenditure amounts to date;

7. Ensuing-fiscal period appropriation requested amount;

8. Estimated cost through project closeout, which may be expressed as a range if baseline is not established and planned project costs by phase;

9. Explanation of how contingency amounts were determined or reference to applicable county policy;

10. Explanation of how inflation is incorporated or reference to applicable county policy;

11. Identification of funding sources, funding status, and funding risks; and

12. Description of key project risks, including summary of top risks in the risk register, if applicable.

D.1. Capital project cost estimates shall:

a. be prepared in accordance with applicable industry standards;

b. be identified by the executive as part of the budget;

c. include requirements of external funding sources and county policies, including, but not limited to, standards regarding estimate accuracies, methodology for determining contingency included for uncertainty, and the cost index used to define the time value of money.

2. The level of detail incorporated within each cost estimate shall be commensurate with the

information available at each phase of a capital project, and shall be consistent with the Association for the Advancement of Cost Engineering International cost estimate classification system. The estimates for all succeeding phases shall be updated to represent the latest project information.

E. An updated project plan shall be provided for each capital project request for appropriation.

F. Each technology capital project seeking appropriation shall include:

1. A business case for each technology project seeking appropriation authority in the budget or any amendment to the budget. The business case shall include at a minimum a description of the problem the technology investment is trying to address, the proposed solution, an analysis of alternative solutions, the project goals and objectives, a description of the project, project milestones with specific dates, of which at least two milestones shall be projected to occur during the fiscal period in which they are proposed for appropriation authority;

2. A benefit achievement plan describing: how the proposed technology investment will produce an improvement or savings in county services; how the improvement or savings will be measured; how much improvement or savings is expected; and when the improvement or savings is likely to be achieved; and

3. A cost-benefit analysis.

G. The major maintenance capital program submitted with the budget shall include the following:

1. A detailed financial plan covering at least six years setting forth the sources and amounts of revenues used to finance major maintenance reserve fund expenditures in each year of the plan. The revenues from a particular source may change from year to year, as economic and budgetary circumstances warrant. However, if proposed revenues do not fully support the major maintenance financial model, then the discrepancy shall be documented together with justification and a recovery plan outlining how the deficiencies will be restored;

2. The major maintenance financial model, which is the analytical system for the expenses for periodic replacement of major county building systems and components and for developing the revenue

estimates necessary to cover those expenses. The model shall include any proposed changes from the previous fiscal period model to building systems and components, life cycles, estimates, percentage allocations or other associated assumptions that form the basis of the model; and

3. The proposed major maintenance program plan, which is the prioritized list of projects transmitted to the council in the budget with the major maintenance fund expenditure authority request for the ensuing fiscal period, accompanied by criteria used to develop the list and any changes from the previous fiscal period list. The plan shall be prioritized and include project names, project numbers and project appropriation requests. The final program plan is adopted by the council as part of the budget appropriation ordinance. Expenditures from the major maintenance reserve fund may be made only for approved capital projects on the program plan or approved reallocations but total expenditures shall not exceed the amount appropriated to the fund.

H. Major maintenance program costs shall be financed by the major maintenance reserve fund. The calculation of the amount necessary to finance facility infrastructure maintenance costs for each building shall be determined by the major maintenance financial model. Proposed changes to the financial model are subject to the reporting requirements in subsection G.2 of this section.

SECTION 15. K.C.C. 4.04.040, as amended by this ordinance, is hereby recodified as a new section in the new chapter established in section 9 of this ordinance.

SECTION 16. Ordinance 12045, Section 23, as amended, and K.C.C. 4.04.040 are hereby amended to read as follows:

A.1. The ((~~council and~~)) executive shall ((~~execute the following responsibilities in order to accomplish the preparation and distribution of the budget and budget document~~)) prepare and distribute the budget in accordance with this subsection.

((~~1.a. At least two hundred forty-five days before the end of the fiscal period, the council shall notify the executive by motion of those funds to be budgeted on an annual basis and those to be budgeted on a~~

~~biennial basis.~~

~~b. At least two hundred forty-five days before the end of the fiscal period, the executive shall announce the date by which agencies shall submit to the executive information necessary to prepare the budget. By the date announced by the executive and in any event at least one hundred fifty-five days before the end of the fiscal period, all agencies shall submit to the executive information necessary to prepare the budget.~~

~~c. Agencies shall submit their budget information to the executive at the section level, unless accompanied by a notice explaining the reasons for any proposed section changes.~~

~~d. The preliminary economic and revenue forecast adopted by the forecast council shall be used as the basis for the executive's preliminary budget preparation of the status quo budget, budget instructions to departments and preliminary review of departmental submittals to the executive.~~)) 2. At least one hundred fifty-five days before the end of the fiscal period, all agencies shall submit to the executive information necessary to prepare the budget, including agency business plans. Agencies shall submit their budget information at the lowest organization and account levels unless accompanied by a notice explaining the reasons for not doing so.

3. The basis for the executive's preliminary budget preparation of the pro forma budget, budget instructions to departments and preliminary review of departmental submittals to the executive shall be the preliminary economic and revenue forecast adopted by the forecast council.

((~~e.~~)) 4. Before presentation to the council, the executive may provide for hearings on all agency requests for expenditures and revenues to enable the executive to make determinations as to the need, value or usefulness of activities or programs requested by agencies. The executive may require the attendance of ((~~proper~~)) agency officials at ((~~such~~)) the hearings and ((~~it shall be the duty of those~~)) the agency officials ((~~to~~)) shall disclose ((~~such~~)) any information ((~~as may be~~)) required to enable the executive to arrive at final determinations.

((~~f.~~)) 5. The executive shall ((~~prepare and present an annual or a biennial budget~~)) transmit a biennial budget for the fiscal period and deliver a budget message to the council no later than ninety-five days before the

powered by Legistar™

end of the current fiscal ((~~year or biennium~~)) period. The budget message shall explain the budget in fiscal terms and in terms of goals to be accomplished and shall relate the requested appropriations to the county strategic plan and comprehensive plans of the county. Copies of the budget and budget message shall be delivered to the clerk of the council ((~~and each councilmember~~)) for distribution to councilmembers and legislative staff.

((~~g.~~)) 6. The updated economic and revenue forecast adopted by the forecast council shall be used as the basis for the ((~~executive's proposed~~)) budget.

((~~h.~~)) 7. Seven days before the presentation of the budget and budget message to the council, the director of the office of performance, strategy and budget or its successor shall submit to the council copies of all agency and departmental budget requests, departmental and divisional work programs and agency business plans.

8. The executive shall prepare and present a proposed appropriation ordinance not later than ninety-five days before the end of the current fiscal ((~~year or biennium~~)) period. The proposed appropriation ordinance shall specify by any combination of fund, program, project ((~~and~~)) or agency, ((~~as determined by the council~~)) the expenditure levels and maximum number of full time equivalent employees for the ((~~budget year or biennium~~)) fiscal period.

((~~i. Before the public hearing on the budget, the budget message and supporting tables shall be furnished to any interested person upon request and copies of the budget shall be furnished for a reasonable fee as established by ordinance and shall be available for public inspection in the office of the clerk of the council and on the Internet.~~

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

~~2.a.~~)) 9. The executive shall make available to the public on the county's website, at no charge, an

powered by Legistar™

electronic copy of the budget and other summary documents.

10. The director of the office of performance, strategy and budget or its successor shall be responsible for the distribution of the budget, either in electronic or printed formats, and posting on the Internet. The director shall also be responsible for updating the electronic database to reflect the adopted appropriations ordinance and posting on the Internet.

11. The executive shall conduct a midbiennium review of the budget and propose adjustments during the adopted fiscal period, including any changes in the adopted overhead methodology.

B. The council shall:

1. ((~~r~~))Review the proposed appropriation ordinances 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~~)) 2. ((~~a~~))Announce and ((~~subsequently~~)) hold ((~~a~~)) public ((~~hearing or~~)) hearings as it deems necessary((~~.~~));

((~~c. Upon completion of the budget hearings and at least thirty days before the end of the fiscal period, the council shall by ordinance~~)) 3. ((~~a~~))Adopt an appropriation ordinance granting authority to make expenditures and to incur obligations upon completion of the budget hearings and at least thirty days before the end of the current fiscal period. The council may attach ((~~to the appropriation ordinance~~)) an accompanying statement specifying legislative intent((~~, but shall attach a budget detail plan~~)). ((~~All financial reports submitted to the council, including, but not limited to, quarterly reports, shall be presented at the section level~~.));

4. ((~~The council may a~~))Adopt tax and revenue ordinances as may be necessary to implement the adopted appropriation ordinance; and

5. Review any proposed midbiennium adjustments proposed by the executive during the adopted fiscal period, including any changes in the adopted overhead methodology.

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

powered by Legistar™

~~and final adopted budget.~~

~~B.1.a. Within thirty days after adoption of the appropriation ordinance, all agencies shall submit to the executive a statement of proposed expenditures at such times and in such a form as may be required by the executive, provided 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 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. The executive is also 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 that has been assigned to a reserve status except as provided in this section.~~

~~2. The executive shall periodically review any pay and classification plans, and made to those plans thereunder, for fiscal impact and shall recommend to the council any changes to such plans. However, 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 an appropriation ordinance and as set forth in this section, all unexpended and unencumbered appropriations in the current expense appropriation ordinances shall lapse at the end of the fiscal year. As used in this subsection, "current expense appropriations" include all noncapital budget appropriations.~~

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

~~5.a. Except as otherwise provided in this subsection B.5. 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.6. 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, though any lease or agreement for real property longer than a cumulative total of two years shall require council approval by ordinance;~~

~~(2) such a lease or agreement includes a cancellation clause under which the lease or agreement may be unilaterally terminated for convenience by the county and costs associated with such termination for~~

~~convenience, if any, shall not exceed the appropriation for the year in which termination is effected, though any decision to continue any lease or agreement for real property beyond a cumulative total of two years shall require council approval by ordinance; or~~

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

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

~~d. Nothing in this section shall prevent the making of contracts or the spending of money for capital improvements, or the making of contracts of lease or for service for a period exceeding the fiscal period in which such a contract is made, when such a contract is permitted by law.~~

~~6. 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.~~))

SECTION 17. K.C.C. 4.04.045, as amended by this ordinance, is hereby recodified as a new section in the new chapter established in section 9 of this ordinance.

SECTION 18. Ordinance 10772, Section 1, as amended, and K.C.C. 4.04.045 are each hereby amended to read as follows:

The following policies shall guide the development and implementation of the county's overhead cost allocation plan for allocating ((~~current expense~~)) general fund costs to other county funds((~~.~~)):

A. The ((~~current expense~~)) general fund may allocate costs to other county funds if it can be demonstrated that other county funds benefit from services provided by ((~~current expense funded~~)) general fund agencies((~~.~~));

powered by Legistar™

B. Wherever possible, the ((~~current expense~~)) general fund cost to be allocated shall equal the benefit received by the county fund receiving the charge((~~.~~));

C. Recognizing that many ((~~current expense~~)) general fund services are indirect and not easily quantifiable, overhead charges may be estimated((~~.~~)); and

D. Estimated overhead charges shall be calculated in a fair and consistent manner, utilizing a methodology which best matches the estimated cost of the services provided to the actual overhead charge.

((~~E. The overhead allocation calculation formulae adopted by the council shall be established prior to budget balancing and shall be utilized by the executive to develop the executive proposed budget. The adopted formulae shall not be modified by the executive without council approval.~~

~~F. By May 31, 1993, and every year thereafter, the executive shall submit the proposed methodology for the overhead cost allocation plan to the council for review and approval. The proposed overhead cost allocation plan methodology shall adhere to the policies set forth in this chapter.~~))

NEW SECTION. SECTION 19. There is hereby added to the chapter established in section 9 of this ordinance a new section to read as follows:

The budget requires multiple plans that support the budget vision, goals and strategies. The budget shall be consistent with and reflect the following planning documents:

A. Business plans under K.C.C. chapter 2.10;

B. The King County Strategic Plan under K.C.C. chapter 2.10;

C. The strategic plan for information technology under K.C.C. 2.16.0755;

D. Project plans under section 14 of this ordinance;

E. When applicable, a site master plan as defined in 4A.10.545;

F. The real property asset management plan under K.C.C. 20.12.100;

G. The King County Comprehensive Plan under K.C.C. chapter 20.18; and

H. The regional wastewater services plan operational master plan under K.C.C. 28.86.180.

NEW SECTION. SECTION 20. There is hereby added to the chapter established in section 9 of this ordinance a new section to read as follows:

A.1. Any departments or agencies, except the council, with unanticipated expenditures shall submit to the executive a statement of unanticipated expenditures. The statement shall specify any request for supplemental appropriation by program, project, object of expenditure or any combination thereof. The executive shall review the requests in accordance with the department's or agency's work plan and determine whether to submit a supplemental appropriation request.

2. If during the fiscal period the executive determines that revenues will be less than the expenditure amounts included in the appropriations ordinance, the executive shall revise the expenditures of departments or agencies funded from those revenue sources to prevent the making of expenditures in excess of revenues. If the executive determines that the fund has unrestricted reserves, the executive may use these reserves to avoid making expenditure reductions; however, the use of reserves may not reduce the fund balances below target reserve amounts. If the use of reserves exceeds five percent of the total appropriation, the council shall be notified in the quarterly management and budget report. An expenditure shall not be made from any portion of an appropriation that has been assigned to a reserve status except as provided in this section.

B. All unexpended appropriations in noncapital appropriation ordinances lapse at the end of the fiscal period.

C. The executive may transfer appropriation authority from an emergent need contingency project to support a cost increase for a capital project in the same fund in accordance with the procedures in section 21 of this ordinance.

D.1. Except as provided in this subsection, an agency shall not expend or contract to expend any money in excess of amounts appropriated. A contract made in violation of this subsection is null and void. An officer, agent or employee of the county knowingly responsible for such a contract is personally liable to anyone, including the county, damaged by his or her action.

2. An agency may contract to expend money in excess of existing appropriations when:

a. The contract commits the county to expend funds beyond the biennium and the contract includes a cancellation clause that provides:

i. the contract may be unilaterally terminated by the county for lack of appropriation; and

ii. The costs associated with such a termination, if any, shall not exceed the appropriation for the biennium in which termination occurs;

b. The contract commits the county to expend funds beyond the biennium and the council, at the request of the executive, adopts an ordinance permitting the county to enter into the contract;

c. The contract commits the county to expend funds beyond the biennium and the contract is for a capital improvement project as authorized in a capital improvement program adopted by ordinance;

d. The contract implements a grant 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; or

e. The contract is an emergency contract as authorized by K.C.C. 2.93.080.

3. In accordance with Section 495 of the King County Charter, real property shall not be leased to the county for more than one year unless it is included in a capital budget appropriation ordinance.

4.a. Any lease or license for the possession or use of real property by the county with a term, including any potential options, extensions or renewals, longer than five years must be approved by the council before execution by the executive.

b. Any decision to extend a lease or license for the possession or use of real property by the county beyond a cumulative total of five years, whether memorialized through an option, extension, amendment, or new lease or license, must be approved by the council before execution by the executive.

c. Any lease or license for the possession or use of real property by the county that requires more than fifty thousand dollars in tenant improvement or other alterations to the real property for the benefit of the county must be approved by the council before execution by the executive.

E. A capital project budget and phases of a capital project shall be prepared by the user agency. The capital project shall be managed by the implementing agency.

F. Ongoing review of capital projects for which moneys have been appropriated shall be coordinated by the office of performance, strategy and budget or its successor. For capital projects involving more than one agency, representatives from the agencies shall consult with the office of performance, strategy and budget or its successor. The office of performance, strategy and budget shall review capital projects for compliance with scope, budget and schedule.

NEW SECTION. SECTION 21. There is hereby added to the chapter established in section 9 of this ordinance a new section to read as follows:

A. An emergent need contingency project may be included in any capital improvement fund under section 14 of this ordinance.

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 five percent of the total proposed capital fund amount anticipated for the fiscal period or twenty million dollars, whichever is less.

D.1. For capital projects other than mandatory phased appropriation projects, appropriation 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 management and budget report under section 25 of this ordinance.

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 filing a capital project exception notification 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 for the budget and fiscal management committee or its successor. The notification must be sent and authorized as set forth in subsection F in accordance with this section before any transfer may occur.

E. Capital project exception notifications should be filed by the executive and may be received by the council at any time during the fiscal appropriation period.

F. When 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 appropriation 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.

NEW SECTION. SECTION 22. There is hereby added to the chapter established in section 9 of this ordinance a new section to read as follows:

A grant contingency project may be included in a capital improvement fund appropriation in anticipation of projects to be supported by grant revenues or other external funding sources. A grant contingency project shall not be approved without documentation, such as grant applications or records of previous grant awards, to support the anticipated project appropriation. Appropriations for grant contingency projects shall be expended or encumbered only in the amount of revenues awarded from external funding sources or a combination of external funds received and county matching revenues.

SECTION 23. Ordinance 620, Section 4, as amended, and K.C.C. 4.04.050 are hereby repealed.

SECTION 24. K.C.C. 4.04.060, as amended by this ordinance, is hereby recodified as a new section in

the new chapter established in section 9 of this ordinance.

SECTION 25. Ordinance 620, Section 4, as amended, and K.C.C. 4.04.060 are hereby amended to read as follows:

The following reports shall be prepared:

A. A comprehensive annual financial report. The executive shall annually ((~~cause to be prepared and published~~)) prepare and publish a comprehensive financial report covering all funds and financial transactions of the county during the preceding fiscal ((~~year.~~)) period;

B. Internal county audit reports. The county auditor shall periodically prepare and publish the results of examinations performed by ((~~his~~)) the county auditor's office of the effectiveness and efficiency of the operation of county agencies. The examination report and any departmental response to the audit shall be made available by the county auditor, either electronically or in print formats, and by posting on the Internet;

C. ((~~The Office of the State Auditor, Division of Municipal Corporations, annually issues the results of their examination of the financial affairs and transactions of the county.~~)) State audit report. The examination report of the county's financial affairs and transactions issued annually by the Office of the State Auditor and the county response to the audit shall be made available by the State Auditor annually, either electronically or in print formats, and by posting on the Internet;

D. ((~~All financial reports submitted to the council, including, but not limited to, quarterly reports, shall be presented at the lowest organizational level.~~

~~1. By February 1 of 1982 and each year thereafter, the executive shall develop and transmit to the council an allotment plan for each county agency based on the budget adopted by the council as required in Section 410 of the King County Charter.~~

~~2. Within five weeks after the end of each quarter, the executive shall notify the council of those agencies whose expenditures have deviated from the quarter's allotment by five percent. For those agencies which have exceeded that quarter's allotment by five percent the executive shall propose an expenditure plan~~

~~designed either to eliminate the need for a budget increase or to identify the source and amount of a proposed supplemental appropriation, or both.~~

~~3. At the end of each quarter, all allotted but unexpended funds which exceed five percent of that quarter's allotment for each council appropriated program shall be transferred to the appropriate allotment reserve account. Within five weeks of the end of each quarter, the executive shall inform the council of all transfers of allotted but unexpended funds to or from, or to and from, each allotment reserve account.~~

~~4. This section shall not apply to individual C.I.P. projects approved by the council.~~)) Quarterly budget management reports.

1. The executive shall submit to the council a report detailing the results of actual revenue collections and expenditures for each fund. The report shall:

a. present significant executive revisions to the current fiscal period financial plans by providing updated operating and capital fund financial plans for each revision, including actual expenditures and revenues from the prior fiscal period;

b. identify significant variances in revenue estimates;

c. list any transfer of emergent need contingency expenditure authority that would increase the total budget of a capital project by less than fifteen percent;

d. report scope, schedule and budget status for capital projects that has a baseline with total estimated cost greater than one million dollars;

e. summarize the risks included in the risk assessment register for mandatory phased appropriation projects in the construction phase, summarize change orders, explain change orders that have the cumulative potential to carry the project over project baseline and summarize the results of the latest earned value analysis;and

f. list significant planned changes in the use of reserves when, in accordance with section 20 of this ordinance, an appropriation requires the use of reserves that exceeds five percent of the total appropriation to

avoid making expenditure reductions.

2. The report shall be delivered to the clerk of the council in the form of a paper original and an electronic copy for distribution to all councilmembers and to the chair and lead staff of the budget and fiscal management committee, or its successor, no later than May 15 for the first quarterly report, August 15 for the second quarterly report, November 15 for the third quarterly report and February 15 for the fourth quarterly report. The director of performance, strategy and budget shall also be responsible for posting the report on the Internet.

SECTION 26. Ordinance 16445, Section 4, and K.C.C. 4.04.062 are each hereby repealed.

SECTION 27. Ordinance 620, Section 4 (part), and K.C.C. 4.04.070 are each hereby repealed.

SECTION 28. K.C.C. 4.04.090 is hereby recodified as a new section in the new chapter established in section 9 of this ordinance.

SECTION 29. Ordinance 620, Section 5, and K.C.C. 4.04.090 are hereby amended to read as follows:

If any part of ((~~the ordinance codified herein~~)) this chapter is found to be in conflict with federal requirements ((~~which~~)) that are a prescribed condition to the allocation of federal funds to the county, ((~~such~~)) any conflicting part of ((~~the ordinance codified herein~~)) this chapter is declared to be inoperative solely to the extent of ((~~such~~)) that conflict and with respect to the agencies directly affected, and ((~~such~~)) any finding or determination shall not affect the operation of the remainder of ((~~the ordinance codified herein~~)) this chapter in its application to the agencies concerned. The rules and regulations under ((~~the ordinance codified herein~~)) this chapter shall meet federal requirements ((~~which~~)) that are a necessary condition to the receipt of federal funds by the county.

SECTION 30. K.C.C. 4.04.100, as amended by this ordinance, is hereby recodified as a new section in the new chapter established in section 9 of this ordinance.

SECTION 31. Ordinance 6818, Section 13, as amended, and K.C.C. 4.04.100 are each hereby amended to read as follows:

powered by Legistar™

((~~The provisions of t~~))This chapter ((~~shall~~)) does not apply to the operating budget and, except as required in K.C.C. 2.42.080, capital budgets ((~~of CIP projects exempted from Title 4 of this Code~~)) of the Harborview Medical Center.

SECTION 32. Ordinance 12076, Section 5, as amended, and K.C.C. 4.04.200 are hereby repealed.

SECTION 33. Ordinance 7159, Section 7, as amended, and K.C.C. 4.04.210 are hereby repealed.

SECTION 34. Ordinance 12138, Section 5, as amended, and K.C.C. 4.04.220 are hereby repealed.

SECTION 35. Ordinance 12076, Section 6, as amended, and K.C.C. 4.04.240 are hereby repealed.

SECTION 36. Ordinance 16764, Section 4, as amended, and K.C.C. 4.04.247 are hereby repealed.

SECTION 37. Ordinance 7159, Section 13, as amended, and K.C.C. 4.04.250 are hereby repealed.

SECTION 38. K.C.C. 4.04.260, as amended by this ordinance, is hereby recodified as a new section in the new chapter established in section 9 of this ordinance.

SECTION 39. Ordinance 10489, Sections 1, 2, 3 and 4, as amended, and K.C.C. 4.04.260 are hereby amended to read as follows:

A. As used in this section:

1. "Alteration, renovation or improvement" means to alter or improve something already existing and the alterations or improvements do not constitute construction or ordinary maintenance;

2. "Construction" means the creation of a new building or structure or significant expansion of an existing structure, rather than repair, alteration, renovation((~~,~~)) or improvement of something already existing((~~.~~));

((~~2.~~)) 3. "Ordinary maintenance" means the routine work necessary to keep county facilities in that condition of good upkeep and repair necessary for safe and efficient continued use((~~.~~

~~3. "Alteration, renovation or improvement" means to alter or improve something already existing and the alterations or improvements do not constitute "construction" or "ordinary maintenance" as defined above.~~));

and

powered by Legistar™

4. "Responsible ((~~O~~))official" means the department ((~~head~~)) director given line responsibility by either the King County Charter or ((~~county~~)) ordinance for an individual capital project or capital improvement program.

B. As used in this section, construction and alteration, renovation and improvement constitute public work on a capital project, as defined in RCW 39.04.010.

C. King County labor forces may perform ordinary maintenance when the skills necessary to perform a particular maintenance task are readily available from in-house staff. The ((~~department head~~)) responsible official for the project ((~~will~~)) shall make a determination as to whether the skills necessary to perform a particular maintenance task are readily available from ((~~in-house~~)) county staff. ((~~Construction of public buildings and works, other than county road projects having a value of less than twenty-five thousand dollars, shall be performed by independent contractors. Subject to the provisions of this section, the alteration, renovation or improvement (other than ordinary maintenance) of public buildings and works may be performed or accomplished by~~))

D. Subject to the limitations in the King County Charter and general law, King County labor forces may perform construction or alteration, renovation or improvement, other than ordinary maintenance, when the ((~~county~~)) responsible official determines it is necessary or advisable to do so, but subject to the publication requirements prescribed by RCW 39.04.020.

((~~C. With respect to the county capital improvement program, the capital improvement section of the budget shall include an identification of those projects in which it is necessary or advisable to use county force labor. The county council's adoption of a budget for an individual capital project where use of county force labor is proposed by the county executive shall constitute the county's determination that use of county force labor on an individual capital project is necessary or advisable.~~

~~D.~~)) E. In making the determination as to whether it is necessary or advisable to use King County labor forces during the construction phase of any particular capital project, the responsible official(((~~s~~))) or officials

powered by Legistar™

shall give due regard both to considerations of fiscal prudence and efficiency and to which mode of accomplishing the project best advances the public interest. Among factors to be considered and balanced are:

1. Whether the skills necessary to perform the particular tasks are readily available from ((~~in-house~~)) county staff((~~.~~));

2. Whether the work to be done is of reasonably limited scope and duration((~~.~~));

3. Whether the work to be done would expose the county to a danger of extraordinary work compensation or third party liability claims((~~.~~));

4. Whether adequate consideration has been made of subcontracting out such portions of an overall capital project as best lend themselves to such a procedure((~~.~~));

5. Whether the ((~~county's achievement of W/MBE goals~~)) work to be done is on a project that requires state or federal contract goals for minority, women or disadvantaged businesses and those goals would be seriously impaired by using county force labor on ((~~an individual~~)) the project((~~.~~)); and

6. Whether it is not in the county's interest to achieve a specified guarantee or warranty period on the installation of new equipment or fixtures.

F. The capital improvement section of the budget shall include a summary of capital program areas in which it is anticipated that work will be performed by King County labor forces.

SECTION 40. Ordinance 14743, Section 6, as amended, and K.C.C. 4.04.265 are each hereby repealed.

SECTION 41. Ordinance 14743, Section 7, and K.C.C. 4.04.266 are each hereby repealed.

SECTION 42. Ordinance 13035, Section 5, as amended, and K.C.C. 4.04.270 are each hereby repealed.

SECTION 43. Ordinance 14811, Section 6, as amended, and K.C.C. 4.04.273 are each hereby repealed.

SECTION 44. Ordinance 14552, Section 5, as amended, and K.C.C. 4.04.275 are each hereby repealed.

SECTION 45. Ordinance 14122, Section 6, as amended, and K.C.C. 4.04.280 are each hereby repealed.

SECTION 46. Ordinance 14452, Section 6, as amended, and K.C.C. 4.04.300 are each hereby repealed.

SECTION 47. Ordinance 17293, Section 8, and K.C.C. 4A.10.035 are each hereby amended to read as

follows:

"Appropriation ordinance" means ((~~the~~)) an ordinance that establishes the legal level of appropriation for a fiscal ((~~year, or an ordinance that makes changes to an existing appropriation~~)) period.

SECTION 48. Ordinance 17293, Section 15, and K.C.C. 4A.10.075 are each hereby amended to read as follows:

"Budget" means a proposed plan of expenditures for a given period or purpose and the proposed means for financing these expenditures, including all supporting data required in chapter 4A.xx (the new chapter created by section 9 of this ordinance).

SECTION 49. Ordinance 17293, Section 17, and K.C.C. 4A.10.080 are each hereby repealed.

SECTION 50. Ordinance 17293, Section 16, and K.C.C. 4A.10.085 are each hereby repealed.

NEW SECTION. SECTION 51. There is hereby added to K.C.C. chapter 4A.10 a new section to read as follows:

"Business plan" means strategic planning documents as defined in K.C.C. 2.10.020 and described in K.C.C. 2.10.064.

SECTION 52. Ordinance 17293, Section 19, and K.C.C. 4A.10.095 are each hereby repealed.

SECTION 53. Ordinance 17293, Section 20, and K.C.C. 4A.10.100 are each hereby amended to read as follows:

"Capital project" means a project with a scope that includes one or more of the following elements, all related to a capital asset: acquisition of either a site or existing structure, or both; program or site master planning; design and environmental analysis; information technology investment, construction; major equipment acquisition; reconstruction; demolition; or ((~~major~~)) alteration or renovation. "Capital project" includes a: project ((~~program~~)) plan; scope; budget by phase; and schedule. ((~~The project budget and phases of a project shall be prepared or managed by the implementing agency.~~))

SECTION 54. Ordinance 17293, Section 24, and K.C.C. 4A.10.125 are each hereby amended to read as

powered by Legistar™

follows:

"((~~CIP~~)) Capital project exceptions notification" means ((~~, except for major maintenance reserve fund, roads, solid waste, surface water management and wastewater CIP projects, a letter filed with the clerk of the council for distribution to the chair of the budget and fiscal management committee, or its successor committee, which describes changes to an adopted CIP project's scope or schedule, or both, or total project cost and, with the exception of schedule changes, shall be sent in advance of any action. For major maintenance reserve fund CIP projects, "exceptions notification" means a letter filed with the clerk of the council for distribution to the chair of the budget and fiscal management committee, or its successor committee, that describes changes of fifteen percent or more to an adopted CIP project's scope or schedule, or both, or total project costs and, with the exception of schedule changes, shall be sent in advance of any action. For road CIP projects, "exceptions notification" means a letter filed with the clerk of the council for distribution to the chair of the transportation committee, or its successor committee, that describes changes of fifteen percent or more to an adopted CIP project's scope or schedule, or both, or total project costs and, with the exception of schedule changes, shall be sent in advance of any action. For wastewater, solid waste and surface water management CIP projects, "exceptions notification" means a letter filed with the clerk of the council for distribution to the chair of the budget and fiscal management committee, or its successor committee, and to the chair of the utilities committee, or its successor committee, which describes changes of fifteen percent or more to an adopted CIP project's scope or schedule, or both, or total project costs and, with the exception of schedule changes, shall be sent in advance of any action~~)) a letter that describes the proposed transfer of capital project emergent need contingency appropriation authority to address changes to an adopted capital project's scope, schedule or project costs that result in an increase of fifteen percent or more to an adopted capital project's total project costs.

NEW SECTION. SECTION 55. There is hereby added to K.C.C. chapter 4A.10 a new section to read as follows:

powered by Legistar™

"Comprehensive Plan" means the growth management plan adopted by the county in accordance with K.C.C. chapter 20.18.

SECTION 56. Ordinance 17293, Section 29, and K.C.C. 4A.10.150 are each hereby amended to read as follows:

"Contract" means a mutually binding legal relationship or any modification thereof obligating a person, firm, corporation or partnership to provide tangible personal property, services, professional or technical services or public work to the county, or to lease or license for the possession or use of real property by the county, and that obligates the county to pay therefor.

NEW SECTION. SECTION 57. There is hereby added to K.C.C. chapter 4A.10 a new section to read as follows:

"Emergent need contingency project" means a capital project appropriation within a capital fund to provide a mechanism for funding an existing capital project within the same fund that has insufficient appropriation due to unforeseen circumstances such as project delays or accelerations.

SECTION 58. Ordinance 17293, Section 59, and K.C.C. 4A.10.320 are each hereby repealed.

NEW SECTION. SECTION 59. There is hereby added to K.C.C. chapter 4A.10 a new section to read as follows:

"Grant contingency project" means a capital project appropriation based upon anticipated receipt of funds from a grant donor or other external funding source or from a combination of external funds and county matching funds.

SECTION 60. Ordinance 17293, Section 70, and K.C.C. 4A.10.390 are each hereby repealed.

SECTION 61. Ordinance 17293, Section 77, and K.C.C. 4A.10.425 are each hereby repealed.

SECTION 62. Ordinance 17293, Section 78, and K.C.C. 4A.10.430 are each hereby repealed.

SECTION 63. Ordinance 17293, Section 85, and K.C.C. 4A.10.470 are each hereby repealed.

NEW SECTION. SECTION 64. There is hereby added to K.C.C. chapter 4A.10 a new section to read

as follows:

"Project plan" means the supporting data included in a capital appropriation proposal form.

SECTION 65. Ordinance 17293, Section 90 and K.C.C. 4A.10.495 are each hereby amended to read as follows:

"Quarterly management and budget report" means a report prepared quarterly by the director of the office of performance, strategy and budget, or its successor, that details revisions and variances for revenue collections and expenditures for major operating and capital funds ((~~, that~~

~~A. Presents executive revisions to the adopted financial plan or plans;~~

~~B. Identifies significant deviations in agency workload from approved levels;~~

~~C. Identifies potential future supplemental appropriations with a brief discussion of the rationale for each potential supplemental;~~

~~D. Identifies significant variances in revenue estimates;~~

~~E. Reports information for each appropriation unit on the number of filled and vacant full-time equivalent and term-limited temporary positions and the number of temporary employees;~~

~~F. Includes the budget allotment plan information required under K.C.C. 4.04.060; and~~

~~G. Describes progress towards transitioning potential annexation areas to cities~~)) under section 25 of this ordinance.

NEW SECTION. SECTION 66. There is hereby added to K.C.C. chapter 4A.10 a new section to read as follows:

"Scope" means the sum of the products, services, and results to be provided as a project. Scope can also include reference to project location.

SECTION 67. Ordinance 17293, Section 96, and K.C.C. 4A.10.525 are each hereby amended to read as follows:

"Scope change" means((~~, except for major maintenance reserve fund, roads, solid waste, surface water~~

powered by Legistar™

~~management and wastewater CIP projects, that a CIP project's total project cost increases by ten percent or by fifty thousand dollars, whichever is less. For major maintenance reserve fund, roads, solid waste, surface water management or wastewater CIP projects, "scope change" means the total project cost increases by fifteen percent.~~)) a change in a capital project that results in at least a fifteen percent change to the total project cost or schedule of a capital project that has a project baseline.

SECTION 68. Ordinance 17293, Section 98, and K.C.C. 4A.10.535 are each hereby repealed.

NEW SECTION. SECTION 69. There is hereby added to K.C.C. chapter 4A.10 a new section to read as follows:

"Subproject" means a capital project that is grouped with other similarly scoped capital projects that will receive expenditure authority assigned to one capital project.

NEW SECTION. SECTION 70. There is hereby added to K.C.C. chapter 4A.10 a new section to read as follows:

"Supplemental appropriation" means an appropriation ordinance that makes changes to an existing appropriation. In relation to the capital budgets, "supplemental appropriation" means "additional or amended capital budget appropriation" as set forth in Section 470.30 of the King County Charter.

SECTION 71. Ordinance 14482, Section 57, as amended, and K.C.C. 4.40.005 are each hereby amended to read as follows:

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

A. "Acquisition phase" means the phase in which activities associated with acquisition or surplus and sale of real property, property rights or the acquisition of improvements through direct purchase or capitalized lease agreements occur. This phase typically runs at the same time as the final design phase or the preliminary design phase, as defined in K.C.C. ((~~4.04.020~~)) 4A.10.015.

B. "Arts and cultural development fund" means the special revenue fund established in K.C.C. ((

powered by Legistar™

~~4.08.190~~)) 4A.200.140 to receive and transfer to the cultural development authority a variety of revenues including, but not limited to, public art revenues.

C. "Client department" means the county department, division or office responsible for construction or custodial management of a facility or capital improvement project after construction is complete.

D. "County force" means work or services performed by county employees.

E. "Cultural development authority" or "authority" means the cultural development authority of King County established under K.C.C. chapter 2.49.

F. "Equipment and furnishings" means any equipment or furnishings that are portable and of standard manufacture. "Equipment" does not mean items that are custom designed or that create a new use for the facility, whether portable or affixed.

G. "Public art program" means the county program administered and implemented by the cultural development authority that includes the works and thinking of artists in the planning, design and construction of facilities, buildings, infrastructure and public spaces to enhance the physical environment, mitigate the impacts of county construction projects, and enrich the lives of county residents through increased opportunities to interact with art.

SECTION 72. Ordinance 12045, Section 19, and K.C.C. 4.56.186 are each hereby amended to read as follows:

The executive is authorized to lease real property for use by the county consistent with the applicable provisions of the King County Charter and ((~~K.C.C. 4.04~~)) section 20 of this ordinance and as may be authorized within appropriations approved by the council. In leasing real property for use by the county, the executive shall assess the needs of county departments and agencies and determine which real property best accommodates such needs.

SECTION 73. Ordinance 1058, Section 3, as amended, and K.C.C. 12.52.030 are each hereby amended to read as follows:

The executive shall see that the Washington state laws and ordinances of King County are enforced, shall direct and control all subordinate officers of the county, unless the enforcement, direction and control rests in some other officer or board by the King County Charter, and shall maintain the peace and order in King County.

A. Whenever an emergency or disaster occurs in King County and results in the death or injury of persons or the destruction of property or involves the potential for flooding arising out of the diminished capacity of the Howard Hanson dam, to such an extent as to require, in the judgment of the executive, extraordinary measures to protect the public peace, safety and welfare, the executive may proclaim in writing the existence of such an emergency.

B. Upon the proclamation of an emergency by the executive, and during the existence of such emergency, the executive may make and proclaim any or all of the following orders:

1. An order recalling King County employees from vacation, canceling days off, authorizing overtime or recalling selected retired employees;

2. An order waiving section 20 of this ordinance, K.C.C. chapters ((~~4.04, 4.16, 4.18,~~)) 2.93 and 12.16 and K.C.C. 12.18.095 with reference to any contract relating to the county's lease or purchase of supplies, equipment, personal services or public works as defined by RCW 39.04.010, or to any contract for the selection and award of professional and/or technical consultant contracts. However, an emergency waiver under K.C.C. chapters ((~~4.18,~~)) 12.16 and 12.18 shall not amend the annual utilization goals, unless the emergency makes it impossible to achieve the annual utilization goals.

3. An order directing evacuation or clearing of debris and wreckage caused by an emergency or disaster from publicly and privately owned lands and waters;

4. An order imposing a general curfew applicable to King County as a whole, or to any geographical area or areas of King County and during any hours, as the executive deems necessary. The executive may modify the hours curfew will be in effect and the area or areas to which it will apply at any time;

5. An order requiring any or all business establishments to close and remain closed until a further order;

6. An order requiring discontinuance of the sale, distribution or giving away of alcoholic beverages in any or all parts of King County, or the closure of any and all bars, taverns, liquor stores and other business establishments where alcoholic beverages are sold or otherwise dispensed. However, with respect to those business establishments that are not primarily devoted to the sale of alcoholic beverages and in which alcoholic beverages may be removed or made secure from possible seizure by the public, the portions of the business establishment utilized for the sale of items other than alcoholic beverages may, in the discretion of the executive, be allowed to remain open;

7. An order requiring the discontinuance of the sale, distribution or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;

8. An order closing to the public any or all public places including streets, alleys, public ways, schools, parks, beaches, amusement areas and public buildings;

9. An order granting emergency postponement of King County permit procedures for public work projects, as defined by RCW 39.04.010, responding to conditions of the emergency or for restoration of public facilities damaged as a result of the emergency. Any postponement under this subsection shall be temporary. All projects must comply with all applicable code requirements. A permit and inspection must be obtained as soon as possible after work has begun, but permit application shall be made no later than six months after the date of the emergency proclamation; and

10. Any other orders as are imminently necessary for the protection of life and property.

C. Any executive order authorized by this section shall be filed with the clerk of the council not later than 10:00 a.m. of the second business day after it is issued, except for orders waiving section 20 of this ordinance and K.C.C. chapters ((~~4.04, 4.16, 4.18,~~)) 12.16 and 12.18. Executive orders issued under authority of

this section shall continue in force and effect until terminated by order of the executive or action by the council by ordinance. However, orders waiving section 20 of this ordinance and K.C.C. chapters ((~~4.04, 4.16, 4.18,~~)) 12.16 and 12.18 shall terminate as provided for in K.C.C. ((~~4.16.050~~)) 2.93.080.

D. Any proclamation issued by the executive pursuant to the authority of this chapter shall be delivered to all news media within King County and shall utilize such other available means as are necessary, in the executive's judgment, to give notice of such proclamation to the public.

E. It shall be a misdemeanor for anyone to fail or refuse to obey any order proclaimed by the executive under this section. Anyone convicted of a violation of this section is punishable by a fine of not more than one thousand dollars or by imprisonment for not more than ninety days, or both fine and imprisonment.

SECTION 74. Ordinance 14714, Section 6, and K.C.C. 26.12.035 are each hereby amended to read as follows:

A. Each governmental agency receiving conservation futures tax levy funds and the department of natural resources and parks shall furnish a report to the executive by January 31 of each year. The report shall include for each project:

1. The amount of conservation futures tax levy funds expended;
2. The amount of conservation futures tax levy funds remaining;
3. The status of matching funds;
4. The amount of acreage purchased;
5. A brief description of all acquisition activity, such as contact with landowners, title and appraisal research conducted and offers extended;
6. The expected timeline for project completion;
7. Any requested scope change description as defined in K.C.C. ((~~4.04.020~~)) 4A.10.525;
8. Any change in project description;
9. Any request for project abandonment; and

10. Any significant obstacles or barriers to project completion.

B. The citizen oversight committee may recommend to the council the reallocation of conservation futures tax levy funds for any project for which the appropriated funds have not been encumbered and expended within a reasonable time period.

SECTION 75. Ordinance 13680, Section 1, as amended, and K.C.C. 28.86.010 are each hereby amended to read as follows:

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

A. "Biosolids" means a primarily organic product produced by wastewater treatment processes that can be beneficially recycled. The product may contain water, sand, organic matter, microorganisms, trace metals and other chemicals.

B. "Capacity" and "rated capacity" mean the average wet weather flows that the treatment plant or conveyance system is designed to handle. Average wet weather flows are wastewater flows that occur during wet months but not during storms.

C. "Capacity charge" means a charge levied on a new customer to recover capital costs needed to serve new customers.

D. "Community treatment system" means a treatment device or drainfield, or both, that is shared by two or more property owners.

E. "Component agencies" means the cities, towns, counties and sewer districts that retail wastewater treatment services, that dispose of any portions of their sanitary sewage into the wastewater system and that have entered into a contract with the county for providing for wastewater treatment.

F. "Comprehensive Water Pollution Abatement Plan" means a plan developed pursuant to RCW 35.58.200.

G. "CSO" means a combined sewer overflow, which is an overflow from a combined sewer that is

designed to collect both sanitary sewage and stormwater runoff. The overflows occur during storms when flows in the system exceed the capacity of the wastewater collection system.

H. "ESA" means the federal Endangered Species Act.

I. "Existing customer" means a customer who connects, reconnects, or establishes a new service on sewers tributary to the county's metropolitan sewerage service before January 1, 2003.

J. "I/I" means inflow/infiltration, which is the total quantity of water from both inflow and infiltration without distinguishing the source.

K. "Indirect potable use" means discharging reclaimed water to surface or groundwater and withdrawing water for treatment prior to use as a drinking water source from another location in the same watershed.

L. "Infiltration" means the water entering a wastewater system, including sewer service connections, from the ground through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls.

M. "Inflow" means the water discharged into a wastewater system, including service connections from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers and combined sewers, catch basins, storm waters, surface runoff, street wash waters or drainage. "Inflow" does not include, and is distinguished from, infiltration.

N. "Mgd" means million gallons per day, a measure of wastewater treatment capacity,

O. "New customer" means a customer who connects, reconnects, or establishes a new service on sewers tributary to the county's metropolitan sewage system on or after January 1, 2003. This includes:

1. New connections to the existing collection system, including:

a. flows from new single family and multiple unit residential connections; and

b. new commercial or industrial connections;

2. Expansions in activity from existing connections, including:

a. conversion of residential units (single or multiple) to include additional customers or equivalents, or both; and

b. expansions in commercial or industrial activity;

3. Septic to sewer conversions; and

4. I/I flows from the new connections and newly constructed conveyance systems.

P. "Nonpotable use" means using reclaimed water for nondrinking water applications that may include but are not limited to irrigation, industrial processing, agricultural uses and stream augmentation.

Q. "Operational master plan" means a comprehensive plan for an agency setting forth how the organization will operate now and in the future. An operational master plan shall include the analysis of alternatives and their life cycle costs to accomplish defined goals and objectives, performance measures, projected workload, needed resources, implementation schedules and general cost estimates. The operational master plan shall also address how the organization would respond in the future to changed conditions.

R. "Reclaimed water" means wastewater that is treated to a sufficiently high level that it can be safely used for intended purposes.

((~~R.~~)) S. "Residential customer equivalent" means the factor in cubic feet of water used to describe the discharge from a single-family residence. Commercial and industrial customers are converted to residential customer equivalents based on the volume of water consumption.

((~~S.~~)) T. "RWQC" means the regional water quality committee, which is a regional committee as defined by Section 270 of the King County Charter, with powers and duties to "develop, review and recommend ordinances and motions adopting, repealing, or amending ((county-wide)) countywide policies and plans relating to the subject matter area for which a regional committee has been established."

((~~T.~~)) U. "RWSP" means the regional wastewater services plan.

((~~U.~~)) V. "Sewer rate" means the amount in dollars, charged to a residential customer equivalent each

powered by Legistar™

month for use of the wastewater system.

((~~V.~~)) W. "Shall" and "will" in a policy mean that it is mandatory to carry out the policy. "Should" in a policy provides noncompulsory guidance and establishes some discretion in making decisions. "May" in a policy means that it is in the interest of the county or other named entity to carry out the policy but there is total discretion in making decisions.

((~~W.~~)) X. "Wastewater revenues" means revenues from the monthly sewer rate, capacity charge, grants and other revenues, such as interest income and charges for services, available for the wastewater system.

((~~X.~~)) Y. "Wastewater system" means all the county's water pollution abatement facilities, together with all lands, property rights, equipment and accessories necessary for those facilities, and any other infrastructure, and all operations and programs provided by the county under chapter 35.58 RCW, including but not limited to: 1. conveyance of influent from component agencies; 2. treatment of sewage; 3. disposal of treated effluent; 4. production and recycling of biosolids; 5. regulation of I/I; 6. control of combined sewer overflows; and 7. production of reclaimed water.

((~~Y.~~)) Z. "Water reuse" means using reclaimed water.

SECTION 76. Ordinance 13680, Section 17, and K.C.C. 28.86.170 are each hereby amended to read as follows:

The capital improvement program required to implement the comprehensive water pollution abatement plan, as amended, including the RWSP, a supplement to the comprehensive water pollution abatement plan, as amended, shall be prepared pursuant to ((~~K.C.C. 4.04.200 through 4.04.270~~)) K.C.C. 4A.xx (the chapter established in section 9 of this ordinance).

SECTION 77. Ordinance 13680, Section 18, as amended, and K.C.C. 28.86.180 are each hereby amended to read as follows:

A. The RWSP operational master plan that was adopted by council in December 1999, shall be updated on a regular basis following substantive adopted policy revisions to the RWSP, and shall meet the requirements

of ((~~K.C.C. chapter 4.04~~)) K.C.C. 4A.xx (the chapter established in section 9 of this ordinance).

B. The operational master plan shall contain projects related to major program elements and shall further define as necessary the major projects, projected capacity, milestones, projected completion dates, and estimated costs.

1. Treatment capacity.

a. Population and employment growth is projected to require the wastewater system capacity to expand from two hundred forty-eight mgd to three hundred four mgd by 2030. The estimated cost and list of treatment facilities and improvements to achieve this expanded capacity by 2030, shall be included in future RWSP operational master plans, summarized in RWSP annual reports and comprehensive reviews as outlined in K.C.C. 28.86.165.

b. The Brightwater treatment plant at the Route 9 site shall be built with a capacity of thirty-six mgd by 2010 or as soon thereafter as possible to handle wastewater flows from a new north service area as defined in the plan. This plant would provide secondary treatment and would discharge treated effluent to Puget Sound. To facilitate the production of reclaimed water, the possibility of upgrading to tertiary treatment with a freshwater outfall should be investigated ((~~prior to~~)) before subsequent expansions.

c. Expanding the treatment capacity at the south treatment plant from one hundred fifteen mgd to one hundred thirty-five mgd by 2029. This expansion would handle increased wastewater flows from the southern and eastern portions of the service area. Some or all of the plant capacity could also be upgraded to tertiary treatment, to meet water quality standards or facilitate water reuse, as part of future expansions or in additions to the secondary level of treatment using available land reserves at the plant site.

d. The west point treatment plant will be maintained at its capacity of one hundred thirty-three mgd, primarily to serve the city of Seattle and handle flows from the combined sewers in the area.

2. Conveyance facilities.

a. Conveyance facilities are to be configured, sized, and scheduled to support the treatment plants by

conveying wastewater to and treated effluent from the plants. The estimated cost, schedule and list of conveyance facility improvements, shall be included in future RWSP operational master plans, summarized in RWSP annual reports and comprehensive reviews as outlined in K.C.C. 28.86.165.

b. King County will construct additional conveyance improvements (e.g., increasing conveyance and pump station capacity and extending conveyance) to accommodate increased flows in other parts of the service area to serve population growth in the smaller wastewater service basins and to prevent improper discharges from the sanitary system.

3. I/I control.

a. The I/I control program shall be implemented incrementally and be limited to projects that prove to be most cost effective. The estimated cost, schedule and list of I/I improvement projects, shall be included in future RWSP operational master plans, summarized in RWSP annual reports and comprehensive reviews as outlined in K.C.C. 28.86.165.

b. The goal of the I/I control program is to reduce the expense of conveyance system improvements over time. Every ten years, beginning in 2010, the wastewater treatment division will conduct system monitoring to update hydraulic models and measure the effectiveness of I/I control and reduction in the system.

4. CSOs.

a. The county shall implement CSO control projects consistent with the schedule outlined in the county's long-term CSO control plan as approved in Attachment A to Ordinance 14713 and the Environmental Protection Agency/Washington state Department of Ecology Consent Decree.

b. Consistent with the Environmental Protection Agency/Washington state Department of Ecology Consent Decree, the county may request refinements to the CSO program, including changes to the sequencing of projects, in response to changing conditions, new information and new regulations.

5. Biosolids.

a. King County will continue to produce Class B biosolids using anaerobic digestion at the south and

west treatment plants and to implement the same process at the Brightwater treatment plant until a new technology can be used reliably. The plan also proposes that the county continue to evaluate alternative technologies to reduce the water content of biosolids while preserving their marketability. The primary objective of this evaluation will be to identify alternatives to digesters at the west treatment plant, a condition of the West Point Settlement Agreement.

b. As part of ongoing planning for its treatment plants, King County will periodically evaluate conventional, alternative and new solids processing technologies using criteria such as product quality (class A or B), marketability, odor and other potential community impacts, impact on sewer rates, reliability of the treatment process, amount of land needed for the treatment facility and the number of truck trips needed to transport the biosolids produced. Based on the results of this evaluation and public comment, the executive should recommend one of three biosolids handling scenarios at any of all of the treatment plants:

(1) continue using anaerobic digestion;

(2) supplement anaerobic digestion with another treatment technology; or

(3) replace anaerobic digestion with another treatment technology.

c. The estimated cost, schedule and list of biosolids improvement projects, shall be included in future RWSP operational master plans, summarized in RWSP annual reports and comprehensive reviews as outlined in K.C.C. 28.86.165.

d. The county should continue using a public-private partnership approach to recycling biosolids such as using biosolids on working forests in King County to enhance wildlife habitat and generate long-term income from selective timber harvests.

6. Water reuse.

a. The south and west treatment plants should continue to produce reclaimed water for non-potable uses and explore the production of reclaimed water at new facilities. King County will explore the production of reclaimed water at new facilities and work with water suppliers to plan and implement an accelerated water

reuse program that could augment existing water supplies.

b. If a public education and involvement program on water reuse is to be developed and implemented, it shall be coordinated with water conservation education programs. The estimated cost, schedule and list of water reuse projects, shall be included in future RWSP operational master plans, summarized in RWSP annual reports and comprehensive reviews as outlined in K.C.C. 28.86.165.

7. Community treatment systems.

a. Any operations under these policies shall require an operational master plan as described in K.C.C. 4.04.200.C.1. Failure to submit such a plan shall cause the affected capital improvement project to be out of compliance with these polices.

b. In addition to the requirements of K.C.C. 4.04.200.C.1, an operational master plan submitted under these policies shall include:

(1) description of career retention programs that are to be structured in a manner consistent with the King County/metro merger, labor law and King County's labor contracts;

(2) an engineering evaluation that confirms that the selected projects are most cost effective and technically efficacious and consistent with King County growth management policies for the surrounding area; and

(3) explanation of how King County participation in community treatment systems is consistent with other water pollution abatement activities of the department of natural resources and parks, which currently operates centralized wastewater treatment facilities as contrasted with community treatment systems.

SECTION 78. A. No later than January 31, 2015, the executive shall transmit to the council for approval by ordinance any lease or license for the possession or use of real property by the county or any decision to extend such a lease or license, as described in section 20.D.4. of this ordinance, that:

1. Before the effective date of this ordinance was executed by the executive; and

2. Under section 20.D.4 of this ordinance would have required prior council approval before the

execution by the executive.

B. Failure to comply with this section may result in the council withholding or disappropriating moneys for the leases or licenses.