

Legislation Text

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Clerk 02/11/2015

AN ORDINANCE relating to the children and family justice center, making a supplemental appropriation of \$1,955,000 to the building repair and replacement fund; and amending the 2015/2016 Biennial Budget Ordinance, Ordinance 17941, Section 129.

STATEMENT OF FACTS:

1. According to American Community Survey data, King County's average unemployment rate in 2013 was 6.5 percent; however, the unemployment rate was greater for certain portions of the county's population: Latinos were at 9.6 percent; young adults ages 20 to 24 were at 13 percent ; and African-Americans were at 11.6 percent.
2. King County juvenile court data show that although overall secure detention average daily population continued to decline through 2014, the percentage of minorities at the time of law enforcement referral and in detention has increased. African American youth finished 2014 at 50.7 percent of the total secure average daily population - up from 42.6 percent in 2013.
3. The Bureau of Labor Statistics 2013 data show an unemployment rate among all veterans in Washington state of 7.3 percent, compared with nationwide rates of 6.6 percent unemployment among all veterans and 9.0 percent among Gulf War II-era veterans.
4. King County establishes apprenticeship requirements on selected public works projects with estimated construction valued at greater than \$1 million dollars. Under K.C.C. 12.16.156, King County also sets voluntary hiring goals for public works projects as a whole of 21 percent for

minorities, 25 percent for women, 2 percent for persons with disabilities and 7 percent for disadvantaged youth. According to the 2013 Annual Apprenticeship Report, King County achieved a 14.9 percent overall apprentice participation rate, with 28 percent participation by minorities, but only 2.4 percent participation by women apprentices. Contractors did not report labor hours for the participation of disadvantaged youth or disabled persons.

5. A Construction Industry Labor Market Assessment commissioned by the city of Seattle found in 2014 that 77 percent of all workers in construction in King, Snohomish and Pierce counties are white males, with 23 percent people of color and women. Representation of women and people of color is higher among new entrants to the labor force through apprenticeships and accredited certificates of completion, such as those received for completing a pre-apprenticeship program; however, women and people of color also have lower rates of apprenticeship completion than do their white male counterparts.

6. The county is considering Proposed Ordinance 2014-0486 that would approve a design build contract for a new Children and Family Justice Center.

7. The county is committed to achieving its apprenticeship hiring goals set in county policy and remedying the disproportionately low involvement by minority groups and women in the labor force.

8. The county actively engages in equity and social justice efforts to eliminate racial disparities within both the juvenile justice system and the workforce for the new facility.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. Proposed Ordinance 2014-0486, if enacted would approve a design build contract for the Children and Family Justice Center.

B. Acceptance by the executive of a best and final offer by the top-ranked finalist, Balfour Beatty -

locally known as Howard S. Wright - locked in a guaranteed maximum price of \$154 million for 150 days, expiring on February 13, 2015.

C. \$210 million is appropriated for capital project 1117106, DES FMD children and family justice center, to be funded by proceeds from a voter approved nine-year levy.

SECTION 2. Ordinance 17941, Section 129, is hereby amended to read as follows:

CAPITAL IMPROVEMENT PROGRAM - The executive proposed capital budget and program for 2015/2016 - 2019/2020 is incorporated herein as Attachment A to this ordinance, amended February 9, 2015, Revised. The executive is hereby authorized to execute any utility easements, bill of sale or related documents necessary for the provision of utility services to the capital projects described in Attachment A to this ordinance , amended February 9, 2015, Revised, but only if the documents are reviewed and approved by the custodial agency, the real estate services division and the prosecuting attorney's office. Consistent with the requirements of the Growth Management Act, Attachment A to this ordinance, amended February 9, 2015, Revised, was reviewed and evaluated according to the King County Comprehensive Plan. Any project slated for bond funding will be reimbursed by bond proceeds if the project incurs expenditures before the bonds are sold.

From the several capital improvement project funds there are hereby appropriated and authorized to be disbursed the following amounts for the specific projects identified in Attachment A to this ordinance, amended February 9, 2015, Revised.

Fund	Fund Name	2015/2016
3151	CONSERVATION FUTURES LEVY SUBFUND	\$19,199,186
3160	PARKS, RECREATION AND OPEN SPACE	\$11,976,692
3292	SWM CIP NON-BOND	\$24,430,726
3310	LONG TERM LEASE	\$97,949,600
3380	AIRPORT CONSTRUCTION	\$4,938,997
3421	MAJOR MAINTENANCE RESERVE SUB	\$11,210,502

3461	REGIONAL JUSTICE CENTER PROJECTS	\$918,190
3473	RADIO SERVICES CIP FUND	\$721,967
3490	PARKS FACILITIES REHAB	\$2,330,265
3522	OPEN SPACE NON-BOND COUNTY PROJECTS	\$2,533,000
3581	PARKS CAPITAL FUND	\$61,774,378
3591	MARINE CAPITAL FUND	\$11,592,469
3611	WASTEWATER TREATMENT CIP FUND	\$242,462,142
3641	PUBLIC TRANSPORTATION UNRESTRICTED	\$479,558,923
3673	CRITICAL AREAS MITIGATION	\$15,189,447
3681	REAL ESTATE EXCISE TAX (REET) #1	\$12,475,478
3682	REAL ESTATE EXCISE TAX (REET) #2	\$13,434,530
3691	TRANSFER OF DEVELOPMENT CREDITS PROGRAM	\$7,330,132
3771	OIRM CAPITAL FUND	\$16,212,004
3781	ITS CAPITAL FUND	\$3,983,882
3810	SOLID WASTE CAPITAL EQUIPMENT RECOVERY FUND	\$7,400,000
3850	RENTON MAINTENANCE FACILITIES CONSTRUCTION FUND	\$2,054,241
3860	COUNTY ROAD CONSTRUCTION FUND	\$43,392,999
3901	SOLID WASTE 1993 BONDS CONSTRUCTION SUBFUND	\$3,329,280
3910	LANDFILL RESERVE FUND	\$24,735,312
3951	BUILDING REPAIR/REPLACEMENT SUBFUND	(((\$5,339,887)) <u>\$7,294,887</u>)
3961	HARBORVIEW MEDICAL CENTER BUILDING REPAIR/REPLACEMENT SUBFUND	\$8,780,807
	TOTAL CAPITAL IMPROVEMENT PROGRAM	(((\$1,135,255,036)) <u>\$1,137,210,036</u>)
	ER1 EXPENDITURE RESTRICTION:	

Of the appropriation for capital project 1124413, real time improvements, \$600,522 shall not be expended or encumbered until the council passes a motion approving a strategic technology roadmap for transit, as referenced in proviso P4 of this section.

ER2 EXPENDITURE RESTRICTION:

Of the appropriation for capital project 1121402, WTC Brandon Michigan CSO, \$1,250,000 shall be expended or encumbered solely to retain and support the work of the expert review panel and to research and conduct engineering analysis to produce reports that are referenced in section 110, proviso P3, of this ordinance.

ER3 EXPENDITURE RESTRICTION:

Of the appropriation for capital project 1113189, WTC process replacement improvement, no funds shall be expended or encumbered to design or install a new security gate at the entrance to the West Point treatment plant until the council receives a letter from the executive with a signed interlocal agreement between King County and the Seattle parks and recreation department, or its successor, for operation of a passenger vehicle service in Discovery park for park patrons.

ER4 EXPENDITURE RESTRICTION:

Of the appropriation for capital project 1117106, children and family justice center, \$955,000 shall be expended solely to pay for a county employee or third-party consultant to assist the facilities management division in monitoring the project labor agreement and confirming that the provisions of the agreement are being fulfilled.

P1 PROVIDED THAT:

Of the appropriation for capital project 1124456, ORCA replacement, \$250,000 shall not be expended or encumbered until the executive transmits a report on ORCA replacement implementation issues and a motion that accepts the report and the motion is passed by the council. The motion shall reference the subject matter, the proviso's ordinance, ordinance section and proviso number in both the title and body of the motion.

The report shall include, but not be limited to:

- A. A work plan identifying when and how the council will be engaged in the decision process for selecting a replacement for the existing ORCA system;
- B. Identification of any changes to the King County Code, the regional fare coordination agreement and other interlocal agreements that may be proposed as part of the project and the anticipated schedule for transmitting the changes;
- C. A description of policy issues for council consideration that could affect a replacement system, including but not limited to policies identified in the August 6, 2014, ORCA Needs Analysis and Technology Survey, such as fare simplification, universal elimination of cash transfers and movement to a cashless system;
- D. An update of the benefit achievement plan for the project;
- E. Identification of impacts to and dependencies on existing transit technology infrastructure and proposed projects including, but not limited to, the 4.9 MHz network project and mobile ticketing pilot project;
- F. Equity and social justice impacts to be considered in the replacement of ORCA; and
- G. Network and electronic payment security issues to be considered in the replacement of ORCA.

The executive must file the report and motion required by this proviso by March 31, 2016, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director and the lead staff for the transportation, economy and environment committee, or its successor.

P2 PROVIDED FURTHER THAT:

Of the appropriation for capital project 1116944, mobile ticketing pilot project, \$440,000 shall not be expended or encumbered until the executive transmits a mobile ticketing pilot project work plan and a motion that accepts the work plan and the motion is passed by the council. The motion shall reference the subject matter, the proviso's ordinance, ordinance section and proviso number in both the title and body of the motion.

The work plan shall include, but not be limited to:

- A. A summary of the pilot project;
- B. An explanation of how the demonstration participants will be chosen;
- C. A discussion of whether the application will be developed by KCIT or by an outside vendor; and
- D. An explanation of what data will be collected and how it will be used.

The executive must file the work plan and motion required by this proviso in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director and the lead staff for the transportation, economy and environment committee, or its successor.

P3 PROVIDED FURTHER THAT:

Of the appropriation for capital project 1124203, Chinook building consolidation, \$548,942 shall not be expended or encumbered until the executive transmits a finalized plan for the Chinook building consolidation and a motion that approves the plan and the motion is passed by the council. The motion shall reference the subject matter, the proviso's ordinance, ordinance section, and proviso number in both the title and body of the motion.

The plan shall include, but not be limited to:

- A. The number of public health staff moving from the ninth floor;
- B. The finalized Chinook building locations to be occupied by staff moving from the ninth floor;
- C. Any associated moves within the Chinook building related to clearing the ninth floor and moving public health staff;
- D. Any associated moves, if any, by other county agencies from other county buildings;
- E. The cost impacts for all parties being relocated, including any anticipated tenant improvements;
- F. The final occupant selected to occupy the ninth floor; and
- G. The timelines associated with all relocations.

The executive must file the plan and motion required by this proviso when plans are finalized in the

form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director and the lead staff for the budget and fiscal management committee, or its successor.

P4 PROVIDED FURTHER THAT:

Of the appropriation for capital project 1124887, strategic technology roadmap for transit, \$25,000 may not be encumbered until the executive transmits the Strategic Technology Roadmap for Transit and a motion that approves the Strategic Technology Roadmap for Transit and the motion is passed by the council. The motion shall reference the subject matter, the proviso's ordinance, ordinance section and proviso number in both the title and body of the motion.

The Strategic Technology Roadmap for Transit shall address how technology will be used in the future to support Transit in delivering transit services. The Strategic Technology Roadmap for Transit is intended to provide a planned, integrated, and forward-looking understanding of the evolving technology needs and solutions over the next five years for transit riders, operations and administration. The Strategic Technology Roadmap for Transit shall recommend and prioritize technology solutions and identify the integration points of those solutions other transit and county and regional technologies.

Before transmitting the Strategic Technology Roadmap for Transit, the executive must file a preliminary report identifying the specific components to be included in the Strategic Technology Roadmap for Transit and a draft outline of the Strategic Technology Roadmap for Transit and motion approving this preliminary report by April 1, 2015, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy director and the lead staff for the transportation, economy and environment committee, or its successor.

The executive must file the Strategic Technology Roadmap for Transit and motion approving it in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy director and the lead

staff for the transportation, economy and environment committee, or its successor.

P5 PROVIDED FURTHER THAT:

Of the appropriation for capital project 1124472, courthouse system revitalization, \$500,000 shall not be expended or encumbered until the executive transmits a report on the King County Courthouse building systems and a motion that approves the report and the motion is passed by the council. The motion shall reference the subject matter, the proviso's ordinance, ordinance section and proviso number in both the title and body of the motion.

The report shall include, but not be limited to:

- A. A building alternative analysis;
- B. A list of possible projects, reported by system or task;
- C. The estimated costs for each possible project, reported by system or task;
- D. A risk assessment and any risk mitigation plans for possible projects;
- E. A prioritization for possible projects;
- F. The estimated timelines for possible projects;
- G. The status of locating as-built structural documentation;
- H. A discussion of the historical significance of the building and how the historical designation could affect the project; and
- I. Any work done to investigate or access state, federal or other funding sources in support of the project.

The executive must file the report and motion required by this proviso by April 1, 2016, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director and the lead staff for the budget and fiscal management committee, or its successor.

P6 PROVIDED FURTHER THAT:

Of the appropriation for capital project 1122048, AFIS laboratory replacement, \$650,000 shall not be expended or encumbered until the executive transmits a report on a delivery method for laboratory replacement and a motion that approves the report and the motion is passed by the council. The motion shall reference the subject matter, the proviso's ordinance, ordinance section and proviso number in both the title and body of the motion.

The report shall include, but not be limited to, the final recommended delivery method selected for replacing the laboratory. The report shall include a cost-benefit analysis for delivery methods considered and any anticipated timelines for design, permitting and occupancy associated with the selected delivery method.

The executive must file the report and motion required by this proviso by August 31, 2015, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director and the lead staff for the budget and fiscal management committee, or its successor.

P7 PROVIDED FURTHER THAT:

Of this appropriation for capital project 1039848 , ballfield/sport court rehab, \$300,000 shall not be expended or encumbered until the executive transmits a report on the development and construction of the project identified in Ordinance 17759 and a motion that approves the report, and the motion is passed by the council. The motion shall reference the subject matter, the proviso's ordinance, ordinance section and proviso number in both the title and body of the motion.

The report shall provide a plan to fully fund and complete the development and construction of the project identified in Ordinance 17759. The report shall include, but not be limited to:

- A. A status report on work completed to date;
- B. A status report on the work remaining to complete the project as identified in Ordinance 17759;
- C. A budget indicating the amount needed to complete the project above and beyond the funds identified in Ordinance 17759 and the proposed sources for these additional funds, including any additional

funding to be provided to the project by King County;

D. An amendment to the use agreement, if needed, to cover any changes to the project budget, including any additional funds to be provided to the project by King County, and itemizing the consideration King County will receive for this additional investment; and

E. A proposed ordinance, if needed, to authorize the executive to execute an amendment to the use agreement.

The executive must file the report and motion required by this proviso by June 4, 2015, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director and the lead staff for the transportation, economy and environmental committee, or its successor.

P8 PROVIDED FURTHER THAT:

Of this appropriation, \$300,000 shall not be expended or encumbered until the executive transmits a report on airport perimeter security measures and a motion that accepts the airport perimeter security measures report, and the motion is passed by the council. The motion shall reference the subject matter, the proviso's ordinance, ordinance section and proviso number in both the title and body of the motion.

The airport perimeter security measures report shall include, but not be limited to, researching and reporting on airport perimeter security measures implemented in the last five years and assessments and recommendations for additional security investments planned or recommended to prevent physical intrusions on to airport property.

The executive must file the airport perimeter security measures report and motion required by this proviso by March 31, 2015, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director and the lead staff for the transportation, economy and environment committee and the government accountability and oversight committee, or their successors.

P9 PROVIDED FURTHER THAT:

Of the appropriation for capital project 1117106, children and family justice center, \$1,000,000 shall be expended solely for an economic opportunity and empowerment program and its administration, to ensure diversity in the project workforce and to facilitate achievement of the design build contract's goals for hiring and training minorities, women, veterans and youth, and small contracting and suppliers utilization goal.

The empowerment program shall be administered by an executive appointee, who may either be a county employee or a consultant, and who shall provide assistance to the design-build contractor for it to meet or exceed the contractually required apprenticeship hiring percentage, thereby satisfy the "best efforts" requirement under K.C.C. 12.16.160 A.2.a., as well as meet or exceed the apprentice hiring goals for all identified targeted populations. The administrator shall also assist the design-build contractor for it to meet or exceed the contract goal of small contractor and service utilization and thereby be in compliance with K.C.C. 2.97.100.

The administrator shall create a plan to achieve or exceed the hiring and training goals for apprentices and the utilization goals for small contracting and suppliers. The administrator shall convene a community advisory board appointed by the executive by April 30, 2015, and confirmed by the county council. The board shall advise and assist the administrator in the plan development, administration and reporting. To address chronic unemployment and underemployment in certain communities in King County and to address the adverse social consequences of said unemployment and underemployment, the plan shall include a targeted local hire program, to the extent permitted by law, focused on recruiting workforce participants from King County's economically disadvantaged communities. If appropriate, the plan may incorporate elements of Seattle Council Bill 118282. The plan shall be used to assist the design-build contractor in fulfilling its contractual obligations of the apprenticeship hiring percentage, as well as the apprentice hiring goals for all identified targeted populations, utilizing small contractors and suppliers, and using all reasonable efforts to achieve local hires and involve youth on the project. At least ninety days before issuing to the design-build

contractor a notice to proceed with construction, the executive must transmit the plan and a motion approving the plan in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director and the lead staff for the budget and fiscal management committee, or its successor.

Progress toward achieving the design-build contractor's contractually required hiring goals and standards shall be reported to the council by the administrator every quarter, beginning with the quarter immediately following the start of construction and continuing until the project is completed. The executive must file the reports required by this proviso in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director and the lead staff for the budget and fiscal management committee, or its successor.

SECTION 3. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.