AN ORDINANCE making a supplemental appropriation of $6,107,876 to the building repair and replacement fund for the purpose of implementing a contract with McKinstry Essention for a series of facility energy improvements, the most significant of which is to provide local boilers in the courthouse and King County Correctional Facility, and providing for the costs of overseeing the delivery of the improvements and department of adult and juvenile detention escort; and amending the 2008 Budget Ordinance, Ordinance 15975, Section 130, as amended, and Attachment B, as amended.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 15975, Section 130, as amended, is hereby amended by adding thereto and inserting therein the following:

From several capital improvement project funds there is hereby appropriated and authorized to be disbursed the following amounts for the specific projects identified in Attachment A to this ordinance.

Fund	**Fund Title**	**Amount**
3951	Building Repair and Replacement	$6,107,876

ER1 Expenditure Restriction:

Of this appropriation, $18,132,483 shall be expended solely for the implementation of the King County Flood Control Zone District capital program.

ER2 Expenditure Restriction:

Of the appropriation for CIP Project 358101, Community Partnership Grants Program, the following

amounts shall be spent solely as specified below:

Steve Cox Park Seattle Preparatory School $50,000

P1 PROVIDED THAT:

Of this appropriation, $100,000 for the IT permit integration project (CIP Project 377210) shall not be expended or encumbered until the completed quantifiable business case analysis is transmitted to the council. The quantifiable business case should include a detailed description of the preferred alternative, a cost range and implementation schedule for the preferred alternative, and the expected cost allocation, based on benefit, among the various county agencies and funds to implement the recommended alternative. The quantifiable business case must include the signatures of directors of departments that are project sponsors, including the department of development and environmental services, the department of public health, the department of executive services, the department of transportation, and the department of natural resources and parks. The signatures of the directors of departments shall indicate agreement with the business case.

The quantifiable business case must be filed in the form of 11 copies with the clerk of the council, who will retain the original and will forward copies to each councilmember and to the lead staff for the growth management and natural resources committee, or its successor.

P2 PROVIDED FURTHER THAT:

Of this appropriation, no funds shall be expended or encumbered for the issuance of the request for proposal related for the IT permit integration project (CIP Project 377210) until the completed quantifiable business case analysis is transmitted to the council as required by this ordinance. However, funds may be used to prepare the request for proposal.

P3 PROVIDED FURTHER THAT:

Of this appropriation, funds may not be encumbered or spent for the following projects: DDES IT Permit Integration (CIP Project 377210), KCSO Sector Project (CIP Project 377218) and the DCHS Client Information Services Project (CIP Project 377209) until the project managers for each project have identified

preliminary performance measure, approved by the project review board, for measuring the benefits of each project.

P4 PROVIDED FURTHER THAT:

Of this appropriation, no funds may be spent on the implementation of a solution for the Replacement of R:Base for DOS Program until the proposed solution is evaluated and approved by the ABT project team.

P5 PROVIDED FURTHER THAT:

Of the appropriation for Project 377142, Accountable Business Transformation, $100,000 shall not be expended or encumbered until the ABT program management office provides to the council, in writing, the proposed Capital Improvement Program ("CIP") reporting and analysis requirements that will be included in ABT high level business design for the budget system business functions. Such proposed CIP reporting and analysis requirements shall be the basis for a critical analysis report of all the CIP managed by the various divisions within the executive departments and subject to proviso P6 of this section.

The ABT program management office and the office of management and budget ("OMB") shall continue to work collaboratively with council staff to develop the proposed budget system processes for CIP reporting and analysis requirements to ensure that the countywide budget system selected as part of the ABT program will be able to report for each CIP project the following "reporting elements": (1) the initial, baseline schedule, scope of work and budget ("baseline information"); (2) all the costs, incurred to date and/or projected to complete the project, by a standard category system ("standard system") to be used by all agencies to capture and report such project costs; (3) the standards or methodologies used by the CIP agency for estimating those costs; (4) the schedule milestones for each project, completed and projected; and (5) a reporting mechanism that clearly indicates a project's deviations from the initial baseline Information, when the deviations occurred, in what project cost category, and the reasons why.

The standard system should include, but not be limited to, the following cost categories: programming, predesign/planning, environmental/EIS, permitting, design, mitigation construction/implementation,

construction management/inspections, contract/project management and agency internal costs, close-out, contingencies.

The reporting elements shall be used the framework or format by which the executive shall produce a critical analysis report for selected projects within the CIPs managed by the various divisions within the executive departments as set forth in proviso P6 to this section.

The executive shall submit the report on the proposed reporting elements for CIP reporting and analysis requirements that will be included in ABT high level business design for the budget system business functions in the form of 11 copies with the clerk of the council, who will retain the original and forward copies to each councilmember and the lead staff of the capital budget committee, or its successor.

P6 PROVIDED FURTHER THAT:

Of the appropriation for Project 377142, Accountable Business Transformation, $150,000 shall not be expended or encumbered until the council accepts, by motion, the executive's transmitted critical analysis report, as required by this proviso to this section to this ordinance, for all current CIP projects managed by the various divisions within the executive departments that are currently active or have not been closed out. However, the executive shall not be required to report on any projects with either a total project cost of less than $750,000, or projects involving work order construction contracts or projects involving small work roster construction contracts. The report shall be broken into chapters, with each CIP agency constituting a chapter. Within each chapter, the executive will indicate each project's ranking in order of priority.

The executive shall submit the proposed motion and the critical analysis report, in the form of 11 copies with the clerk of the council, who will retain the original and forward copies to each councilmember and the lead staff of the capital budget committee, or its successor.

The executive shall submit this proposed motion and report within 120 days after the ABT Program Management office has submitted in writing, the proposed CIP reporting and analysis requirements that will be included in ABT high level business Design for the budget system business functions, required by proviso P5 to

this section of this ordinance. The resources to develop and produce the motion and critical analysis report shall be provided by the ABT program management office of the department of executive services.

P7 PROVIDED FURTHER THAT:

In accordance with Motion 12737, the facility master plan funded in CIP 395838, Animal Control Facilities Master Plan, shall at a minimum include: (1) an inventory of existing animal services capital facilities, showing the locations and capacities of the facilities; (2) forecast of the future needs for such capital facilities, proposed location or locations and capacities of expanded or new capital facilities; and (3) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes.

P8 PROVIDED FURTHER THAT:

Of the appropriation for CIP 395842, Animal Control - portable dog runs/temporary dog relocation, funding is intended to be used for the purchase of portable dog runs, to relieve overcrowding, to accommodate temporary relocation of dogs from the existing Kent and Eastside shelters, and to isolate dogs for improved disease control.

P9 PROVIDED FURTHER THAT:

For CIP projects 395839, Animal Control - cat cages and 395842, Animal Control - portable dog runs/temporary dog relocation, the facilities management division shall coordinate with the records and licensing division to prepare a brief weekly electronic status report detailing progress for project implementation. The facilities management division portion of the weekly report shall include data on the number of cat cages purchased and occupied, the number of portable dog runs purchased and occupied, and the number of dogs requiring temporary relocation and the reasons for that relocation. The weekly electronic report shall be transmitted to the clerk of the council.

P10 PROVIDED FURTHER THAT:

Of the appropriation for project 377220 no single allocation that would exceed fifteen percent of the

remaining unexpended and unencumbered balance existing on the first day of the month, or no allocation that when combined with prior allocations in that month would exceed fifteen percent of the remaining unexpended and unencumbered balance existing on the first day of the month, shall be encumbered or expended until: (1) the executive notifies the council of the proposed allocation or allocations; (2) ten days have elapsed since transmittal of the written notification; and (3) within the ten-day period, no councilmember has objected to the encumbrance or expenditure via written notification transmitted to the executive.

The executive's notification shall be in the form of 13 copies transmitted to the clerk of the council who will retain a copy and distribute one copy to each councilmember, the manager of the office of capital project oversight, the lead staff to the capital budget, and general government and labor relations committees or their successor or successors.

P11 PROVIDED FURTHER THAT:

Of the appropriation for project 377219 no single expenditure that would exceed fifteen percent of the remaining unexpended and unencumbered balance existing on the first day of the month, and no expenditure that when combined with prior allocations in that month would exceed fifteen percent of the remaining unexpended and unencumbered balance existing on the first day of the month, shall be encumbered or expended until: (1) the executive notifies the council of the proposed allocation or allocations; (2) ten days have elapsed since transmittal of the written notification; and (3) within the ten-day period, no councilmember has objected to the encumbrance or expenditure via written notification transmitted to the executive.

The executive's notification shall be in the form of 13 copies transmitted to the clerk of the council who will retain a copy and distribute one copy to each councilmember, the manager of the office of capital project oversight, the lead staff to the capital budget, and operating budget, fiscal management and select issues committees or their successor or successors.

P12 PROVIDED FURTHER THAT:

Of the appropriation for project 377142, $2,000,000 shall not be expended or encumbered unless, by

April 30, 2009, the executive transmits to the council a benefits realization plan. This plan, as specified in proposed motion 2008-0414, will describe the process for how program benefits will be identified and how these benefits will be allocated and realized throughout the county organization.

The plan shall be in the form of 13 copies transmitted to the clerk of the council who will retain a copy and distribute one copy to each councilmember, the manager of the office of capital project oversight, the lead staff to the capital budget, and operating budget, fiscal management and select issues committees or their successor or successors.

P13 PROVIDED FURTHER THAT:

Of the appropriation for project 377142, $5,000,000 shall not be expended or encumbered unless, by June 30, 2009, the executive transmits to the council a report on the policies and procedures that have been implemented in the ABT Program Management Office discussing the reporting and program management duties between county employees and contractors and a certification that program employees have been trained regarding these policies and procedures.

The report and certification shall be in the form of 13 copies transmitted to the clerk of the council who will etain a copy and distribute one copy to each councilmember, the manager of the office of capital project oversight, the lead staff to the capital budget and operating budget, fiscal management and select issues committees or their successor or successors.

P14 PROVIDED FURTHER THAT:

Of the appropriation for project 377142 no funds for services provided by the project systems integrator shall be encumbered or expended until such a time as the chief civil deputy prosecuting attorney has certified to the council in writing that he has reviewed the contract for consulting services to be provided by the systems integrator and that, in his opinion, this contract clearly identifies: (1) the expected deliverables; (2) what tasks are to be done by the county and what work is required of the contractor; and (3) the protections for the county and the contractor's obligations as agreed to in the terms and conditions.

The certification shall be in the form of 13 copies transmitted to the clerk of the council who will retain a copy and distribute one copy to each councilmember, the manager of the office of capital project oversight, the lead staff to the capital budget, and operating budget, fiscal management and select issues committees or their successor or successors.

P15 PROVIDED FURTHER THAT:

Of the appropriation for project 377142 $10,000,000 as specified in this proviso, shall not be encumbered or expended until the manager of the office of capital projects oversight has certified, by October 1 each year the project is active, that the office of capital project oversight: (1) had access to program files in a timely manner; 2) received annual and quarterly reports in compliance with the appropriation for the project; and (3) maintained an open communication with the program management office.

Of the $10,000,000 restricted by this proviso, the following amounts will each become available for encumbrance or expenditure on October 1st of each year that the manager of the office of capital project oversight has so certified; (1) $4,000,000 in 2009; (2)$3,000,000 in 2010; (3) $2,000,000 in 2011; and (4) $1,000,000 in 2012.

If the manager of the office of capital project oversight anticipates that such a notification may not occur on the following October 1, the manager should notify the program management office and the county council by July 1 of that year.

Any notification required by this proviso shall be in the form of 13 copies transmitted to the clerk of the council who will retain a copy and distribute one copy to each councilmember, the manager of the office of capital project oversight, the lead staff to the capital budget and operating budget, fiscal management and select issues committees or their successor or successors.

P16. PROVIDED FURTHER THAT:

Of the appropriation for CIP Project 667900, Columbia Tower Lease Relocation Costs, $31,285 shall only be used for a transfer to the major maintenance reserve fund to support the 2009 Chinook Building eight

floor assessed fund allocation.

P17. PROVIDED FURTHER THAT:

Of the appropriation for project 35844, no funds for the McKinstry Essention Contract - Energy Efficiencies shall be encumbered or expended until such a time as the chief civil deputy prosecuting attorney has certified to the council in writing that the prosecuting attorney has reviewed the contract and that, in the prosecuting attorney's opinion, the contract between the county and McKinstry Essention clearly identifies: (a) the expected deliverables; (b) what tasks are to be done by the county and what work is required of the contractor; and (c) the protections for the county and the contractor's obligations as agreed to in the terms and conditions.

The certification shall be in the form of 13 copies transmitted to the clerk of the council who will retain a copy and distribute one copy to each councilmember, the manager of the office of capital project oversight, and the lead staff to the budget and fiscal management committee, or its successor.

P18. PROVIDED FURTHER THAT:

No funds for the McKinstry Essention Contract - Energy Efficiencies shall be expended or encumbered unless the contract provides for: (a)(1) any infrastructure or equipment necessary to ensure, at a minimum, that N+1 emergency power to operate the system is available through a combination of existing county emergency power equipment together with any additional equipment which shall be supplied at the sole expense of McKinstry, to support any system currently proposed to be modified, repaired or replaced as part of project 35844, as needed to operate the county courthouse and correctional facility during an emergency power situation, and (2) a 5 percent reduction in the maximum allowable construction cost from the previously proposed $3,623,463; and (b) is otherwise generally consistent with the proposal prepared by McKinstry Essention titled King County Courthouse and King County Jail Energy Services Proposal Updated November 6, 2008.

P19. PROVIDED FURTHER THAT:

The facilities management division shall submit a report to the council on the project's energy savings, cost savings and environmental performance no later than six months following project completion. The report shall be submitted in the form of 13 copies transmitted to the clerk of the council who will retain a copy and distribute one copy to each councilmember, the manager of the office of capital project oversight, and the lead staff to the budget and fiscal management committee, or its successor.

SECTION 2. Attachment A to this ordinance hereby amends Attachment B to Ordinance 15975, as amended, by adding thereto and inserting therein the projects listed in Attachment A to this ordinance.