Title 4
REVENUE AND FINANCIAL REGULATION

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Cross References:
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Chapter 4.04
BUDGETING AND REPORTING SYSTEM

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I. PURPOSE

4.04.010 Purpose of chapter. This chapter is to establish a fiscally sound budgeting and reporting system under which all county activities shall be administered, and to assure coordination exists between those persons and organizations who are responsible for the operation of the fiscal system. Policies and guidelines stated herein are conceived to assure that the most advanced budgeting and reporting techniques are used by the county for the present and the future. (Ord. 620 § 2, 1970).

II. BUDGETING SYSTEM

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

A. "Acquisition of right of way" or "land acquisition" means funds budgeted for the purchase of property rights, excluding county force charges of the facilities management division.

B. "Adopted" means approval by council motion or ordinance.

C. "Agency" means a county office, officer, institution whether educational, correctional or other, department, division, board commission, except as otherwise provided in this chapter.

D. "Allocation" means a part of a lump sum appropriation that is designated for expenditure by either a specific organization unit or for specific purposes, or both.

E. "Allotment" means a part of an appropriation that may be encumbered or expended during an allotment period.

F. "Allotment period" means a period of less than a fiscal year in length during which an allotment is effective.

G. "Allotment plan" means a fiscal management plan that divides a county agency's program element budget into quarterly increments, reflecting the cyclical or seasonal pattern of expenditures, for the purpose of identifying over and under expenditures throughout the year.

H. "Appropriations" means an authorization granted by the council to make expenditures and to incur obligations for specific purposes.

I. "Appropriation ordinance" means the ordinance that establishes the legal level of appropriation for a fiscal year.

J. "Art" means funds budgeted for the one percent for art program under K.C.C. chapter 4.40 or as otherwise provided by ordinance for a public art program.

K. "Budget" means a proposed plan of expenditures for a given period or purpose and the proposed means for financing these expenditures.

L. "Budget detail plan" means the council's proposed spending plan for the operational budgets of all agencies detailed at the section level and attached to the adopted appropriation ordinance or as modified by the most-recent supplemental appropriation ordinance.

M. "Budget document" means a formal, written, comprehensive financial program presented by the executive to the council, including an electronic database with revenues and expenditures for all county agencies at the lowest organization levels and all summary levels provided in the general ledger system, balanced to the financial plans and the appropriation ordinance, fee ordinances, motions related to proposed levy rates to comply with chapter 36.40 RCW and cost-of-living adjustment ordinance proposed by the executive.

N. "Budget message" means a formal oral presentation by the executive to the council that explains the budget in terms of goals to be accomplished and how the budget relates to the Comprehensive Plan.

O. "Capital improvement plan" means a plan that establishes the capital improvements required to implement an approved operational master plan. This plan should extend over a minimum period of six years to define long-range capital improvement requirements and the annual capital improvements budget for a user agency.

1. The capital improvement plan shall include the following elements, where applicable:

a. general program requirements that define the development scope for specific sites or facilities;

b. general space and construction standards;

c. prototype floor plans and prototype facility designs for standard improvements;

d. space requirements based on the adopted county space plan;

e. initial, and life-cycle cost, of alternative facilities and locations including lease and lease/purchase approaches;

f. approximate location of planned capital improvements;

g. general scope and estimated cost of infrastructure;

h. a schedule, that extends over a minimum of six years, for the implementation of projects included in capital improvement plans, based on overall user agency priorities and projected available revenue;

2. The user agency shall prepare the elements of the plan in subsection L.1. a, d, f and h of this section. The implementing agency shall prepare the elements of this plan in subsection L.1. b, c, e and g of this section.

3. The six-year budget schedule included in the capital improvement plan shall be updated annually in conjunction with the capital budget adoption process.

P. "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; construction; major equipment acquisition; reconstruction; demolition; or major alteration. "Capital project" includes a: project program plan; scope; budget by task; and schedule. The project budget, conceptual design, detailed design, environmental studies and construction elements of a project shall be prepared or managed by the implementing agency.

Q. "CIP" means capital improvement program.

R. "CIP 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.

S. "Construction" means funds budgeted for CIP project construction including contract construction, contract inspection and testing and, as appropriate, construction tasks performed by county forces.

T. "Contingency" means funds budgeted for unanticipated CIP project costs associated with any other project activities.

U. "Contracted design" or "preliminary engineering" means funds budgeted for activities of a contract nature associated with all CIP project phases through bid advertising. Included are contracts for feasibility studies, planning, studies, preliminary design, construction drawings, bid specifications and on-site inspections.

V. "Cost elements" means CIP budgeting activities related to construction, contracted design, preliminary engineering, acquisition of right of way, equipment and furnishings, contingency, artistic furnishings, county force design, county force right of way, project administration or other activities as provided by the council.

W. "Council" means the metropolitan King County council.

X. "County force design" means funds budgeted for CIP project design or design review by county personnel.

Y. "County force right of way" means funds budgeted for real property costs associated with CIP land acquisition.

Z. "Deficit" means the excess of expenditures over revenues during an accounting period, or an accumulation of such excesses over a period of years.

AA. "Director" means the director of the office of performance, strategy and budget.

BB. "Equipment and furnishings" means all costs for the purchase of equipment and furnishings associated with CIP project construction.

CC. "Executive" means the King County executive, as defined by Article 3 of the King County Charter.

DD. "Expenditures" means, where the accounts are kept on the accrual basis or the modified accrual basis, the cost of goods delivered or services rendered, whether paid or unpaid, including expenses, provisions for debt retirement not reported as a liability of the fund from which retired, and capital outlays. Where the accounts are kept on the cash basis, "expenditures" means actual cash disbursements for these purposes.

EE. "Financial plan" means a summary by fund of planned revenues and expenditures, reserves and undesignated fund balance.

FF. "Fiscal period" means a calendar year or a biennium.

GG. "Fund" an independent fiscal and accounting entity with a self-balancing set of accounts recording either cash or other resources, or both, together with related liabilities, obligations, reserves and equities that are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions or limitations.

HH. "Fund balance" means the excess of the assets of a fund over its liabilities and reserves except in the case of funds subject to budgetary accounting where, before the end of a fiscal period, it represents the excess of the fund assets and estimated revenues for the period over its liabilities, reserves and appropriations for the fiscal period.

II. "General facility major maintenance emergent need contingency project" means an appropriation to provide contingent budget authority for emergent needs within major maintenance reserve fund CIP projects.

JJ. "Implementing agency" means the appropriate department and division responsible for the administration of CIP projects.

KK. "Lapse" of an appropriation means an automatic termination of an appropriation.

LL. "Major maintenance reserve fund CIP project" means any major maintenance reserve fund CIP project that is allocated in the adopted six-year major maintenance reserve fund CIP and is appropriated at the major maintenance reserve fund level in accordance with K.C.C. 4.04.265 or is a high-risk project under K.C.C. 4.04.245.

MM. "Major widening project" means any roads CIP project adding at least one through lane in each direction.

NN. "Object of expenditure" means a grouping of expenditures on the basis of goods and services purchased, such as salary and wages.

OO. "Open space non-bond fund project" means an open space project that is allocated in the adopted six-year open space CIP and is appropriated at the open space non-bond fund number 3522 level in accordance with K.C.C. 4.04.300.

PP. "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.

QQ. "Program" means the definition of resources and efforts committed to satisfying a public need. The extent to which the public need is satisfied is measured by the effectiveness of the process in fulfilling the needs as expressed in explicit objectives.

RR. "Project administration" means funds budgeted for all county costs associated with administering design and construction contracts on CIP projects.

SS. “Project program plan” means a plan, primarily in written narrative form, that describes the overall development concept and scope of work for a building, group of buildings or other facilities at a particular site. The complexity of the project program plan will vary based upon the size and difficulty of the program for a particular site. When the plan includes projects that are phased over time, each phase shall have an updated project program plan prepared by the user agency before project implementation. The project program plan shall be prepared by the user agency with assistance from the implementing agency. The program plan describes the user agency program requirements for a specific building or site; provides the basis for these requirements; and identifies when funds for the implementation of the capital projects will be provided. The program plan shall elaborate on the general program information provided in the operational master plan and the capital improvement plan. The plan shall also describe user agency programs, how these programs would fit and function on the site, and the general recommendation of the user agency regarding the appearance of the building or site. The plan shall indicate when a site master plan is required for a project.

TT. "Public need" means those public services found to be required to maintain the health, safety and well-being of the general citizenry.

UU. "Quarterly management and budget report" means a report prepared quarterly by the director for major operating and capital funds, that:

1. Presents executive revisions to the adopted financial plan or plans;
2. Identifies significant deviations in agency workload from approved levels;
3. Identifies potential future supplemental appropriations with a brief discussion of the rationale for each potential supplemental;
4. Identifies significant variances in revenue estimates;
5. 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;
6. Includes the budget allotment plan information required under K.C.C. 4.04.060; and
7. Describes progress towards transitioning potential annexation areas to cities.

VV. "Reappropriation" means authorization granted by the council to expend the appropriation for the previous fiscal year for capital programs only.

WW. "Regulations" means the policies, standards and requirements, stated in writing, designed to carry out the purposes of this chapter, as issued by the executive and having the force and effect of law.

XX. "Revenue" means the addition to assets that does not increase any liability, does not represent the recovery of an expenditure, does not represent the cancellation of certain liabilities on a decrease in assets and does not represent a contribution to fund capital in enterprise and intragovernmental service funds.

YY. "Roads CIP project" means roads capital projects that are allocated in the adopted six-year roads CIP and are appropriated at the roads CIP fund level in accordance with K.C.C. 4.04.270 or a high-risk project under K.C.C. 4.04.245.

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

AAA. "Section" means an agency's budget unit comprised of a particular project, program or line of business as described in Ordinance 16445, Section 5, for the 2010 budget or for all subsequent budgets as described in the budget detail plan for the previous fiscal period as attached to the adopted appropriation ordinance or as modified by the most-recent supplemental appropriation ordinance. This definition is not intended to create an organizational structure for any agency.

BBB. “Site master plan” means a plan prepared by the implementing agency, with input from the user agency, that describes, illustrates and defines the capital improvements required to provide user agency program elements.

1. The site master plan shall include preliminary information regarding, at a minimum:
   a. site analysis, including environmental constraints;
   b. layout, illustration and description of all capital improvements;
   c. project scopes and budgets;
   d. project phasing; and
   e. operating and maintenance requirements.
2. The site master plan shall be approved by the user agency and the implementing agency before submittal to the executive and council for approval.

CCC. "Solid waste CIP project" means a solid waste project that is allocated in the adopted six-year solid waste CIP and is appropriated at the solid waste CIP fund level in accordance with K.C.C. 4.04.273 or is a high-risk project under K.C.C. 4.04.245.

DDD. "Surface water management CIP project" means a surface water management project that is allocated in the adopted six-year surface water management CIP and is appropriated at the surface water management CIP fund level in accordance with K.C.C. 4.04.275 or is a high-risk project under K.C.C. 4.04.245.

EEE. "User agency" means the appropriate department, division, office or section to be served by any proposed CIP project.

FFF. "Wastewater asset management projects" means the wastewater capital projects identified and intended by the wastewater treatment division to extend and optimize the useful life of wastewater treatment assets, including facilities, structures, pipelines and equipment.

GGG. "Wastewater CIP project" means wastewater capital projects that are allocated in the adopted six-year wastewater CIP and are appropriated at the wastewater CIP fund level in accordance with K.C.C. 4.04.280 or is a high-risk project under K.C.C. 4.04.245. (Ord. 16960 § 14, 2010: Ord. 16764 § 6, 2010: Ord. 16764 Ord. 16445 § 1, 2008: Ord. 15545 § 2, 2006: Ord. 14811 § 2, 2003: Ord. 14743 § 2, 2003: Ord. 14561 § 12, 2002: Ord. 14452 § 1, 2002: Ord. 14122 § 1, 2001: Ord. 13035 § 1, 1998: Ord. 12076 § 2, 1995).

4.04.025 Biennial budgeting - authorized - review and modification - emergency appropriation ordinances. In accordance with Section 405 of the King County Charter and in lieu of adopting an annual budget, the council shall adopt a biennial budget for such county funds as the council may determine. For these funds there shall be a midbiennium review and modification for the second year of the biennium. The council may adopt additional and emergency appropriations ordinances for any such fund or funds in the same manner and subject to the same conditions as otherwise provided in the charter. (Ord. 15545 § 1, 2006).

4.04.030 Contents of the budget document. The budget documents shall include, but not be limited to, data specified in this chapter.

A. The budget shall set forth the complete financial plan for the ensuing fiscal year showing planned expenditures and the sources of revenue from which they are to be financed. For each fund, the expenditures included in the budget for the ensuing fiscal year shall not exceed the estimated revenues as forecast under K.C.C. 2.140.070, including reserves.

1. The budget document shall include the following:

a. estimated revenue by fund and by source from taxation;

b. estimated revenues by fund and by source other than taxation;

c. actual receipts for first six months, January 1 through June 30, of the current fiscal year;

d. actual receipts for the last completed fiscal year by fund and by source;

e. estimated fund balance or deficit for current fiscal year by fund; and

f. operational budget details for all agencies at the section level unless noted by the executive and accompanied with an explanation of the change;

g. such additional information dealing with revenues as the executive and council shall deem pertinent and useful;

h. tabulation of expenditures in a comparable form by fund, program project or object of expenditure for the ensuing fiscal year;

i. actual expenditures for the first six months, January 1 through June 30, of the current year;

j. actual expenditures for the last completed fiscal year;

k. the appropriation for the current year; and

l. such additional information dealing with expenditures as the executive and council shall deem pertinent and useful.

2. All capital improvement projects and appropriations shall be authorized only by inclusion in the annual council adopted CIP or any amendment thereto. A bond ordinance is not an appropriation for capital projects. The capital improvement section of the budget shall include:

a. estimated expenditures for at least the next six fiscal years by program;

b. expenditures planned for current, pending, or proposed capital projects during the fiscal year, classified according to proposed source of funds whether from bonds, or any combination of other local, state, federal and private sources;

c. an alphabetic index to enable quick location of any project contained in the budget;

d. a discrete number for each project that shall serve to identify it within the capital budget document and all accounting reports;

e. estimated net annual operating costs associated with each project upon completion or in cases where operating costs are negligible or incalculable, a statement to that effect;

f. an identification of all CIP projects by council district in which they are located;

g. CIP projects funded in the budget year, which shall be presented in separate sections of the budget.

(1) Major maintenance reserve fund CIP projects shall be presented in the six-year general CIP program.

(2) Except for high-risk projects under K.C.C. 4.04.245, the appropriation for major maintenance reserve fund CIP projects shall be made at the major maintenance reserve fund level in accordance with K.C.C. 4.04.265.

(3) Roads CIP projects shall be presented in the six-year road CIP program

(4) Except for high risk projects under K.C.C. 4.04.245, the appropriation for roads CIP projects shall be made at the roads CIP fund level in accordance with K.C.C. 4.04.270.

(5) Wastewater CIP projects shall be presented in the six-year wastewater CIP program.

(6) Except for high-risk projects under K.C.C. 4.04.245, the appropriation for wastewater CIP projects shall be made at the wastewater CIP fund level in accordance with K.C.C. 4.04.280.

(7) Surface water management CIP projects shall be presented in the six-year surface water management CIP program.

(8) Except for high-risk projects under K.C.C. 4.04.245, the appropriation for surface water management CIP projects shall be made at the surface water management CIP fund level in accordance with K.C.C. 4.04.275;

(9) Solid waste CIP projects shall be presented in the six-year solid waste CIP program;

(10) Except for high-risk projects under K.C.C. 4.04.245, the appropriation for solid waste CIP projects shall be made at the solid waste CIP fund level in accordance with K.C.C. 4.04.273; and

(11) The technology business plan in accordance with K.C.C. 2.16.0757.

h. in addition to schedule requirements, a statement of purpose and estimated total cost for each project for which expenditures are planned during the ensuing fiscal year;

i. the original project cost estimate which shall remain fixed from year to year. This original cost estimate shall be included in the capital budget document. A project record, separate from the budget document, shall be provided that identifies the original project cost estimate and any subsequent changes to the original project cost estimate by cost element and revenue source as approved in the budget document or any amendment to the budget;

j. an enumeration of revised project cost estimates;

k. funds actually expended for projects as of June 30 of the current year;

l. funds previously authorized for the project;

m. anticipated specific cost elements within each project. However, the executive is authorized to transfer funds between specific activities within the same project only if these transfers will not result in a necessary increase to the total project budget. A scope change of a project constitutes a revision.

(1) A CIP project scope change shall be included in the CIP exceptions notification if total project costs increase by ten percent or by fifty thousand dollars, whichever is less; or if the schedule deviates by three months.

(2) For parks CIP projects, a CIP exceptions notification shall be filed with the clerk of the council in advance of action for distribution to the chair of the budget and fiscal management committee, or its successor committee, when fifty thousand dollars or more or funds in excess of ten percent of total project costs, whichever is less, are to be transferred from a contingency project to a CIP project.

(3) For major maintenance reserve fund CIP projects, a CIP exceptions notification shall be filed with the clerk of the council in advance of action for distribution to the chair of the budget and fiscal management committee, or its successor committee, when moneys in excess of fifteen percent of the total major maintenance reserve fund CIP project costs are to be transferred from the general facility major maintenance emergent need contingency project.

(4) For roads CIP projects, a CIP exceptions notification shall be filed with the clerk of the council in advance of action for distribution to the chair of the transportation committee, or its successor committee, when contingency funds in excess of fifteen percent of total project costs are to be transferred.

(5) For solid waste, surface water management and wastewater CIP projects, a CIP exceptions notification shall be filed with the clerk of the council in advance of action for distribution to the chair of the budget and fiscal management committee, or its successor committee, and chair of the utilities committee, or its successor committee, when contingency funds in excess of fifteen percent of total project costs are to be transferred;

n. individual allocations by cost element for each capital project; and

o. when a single fund finances both operating expenses and capital projects, there shall be separate appropriations from the fund for the operating and the capital sections of the budget.

B.1. The budget message shall explain the budget in fiscal terms and in terms of goals to be accomplished and shall relate the requested appropriation to the Comprehensive Plan of the county.

2. The total proposed expenditures shall not be greater than the total proposed revenue.

3. If the estimated revenues in the current expense, special revenue or debt service funds for the next ensuing fiscal period, together with the fund balance for the current fiscal period exceeds the applicable appropriations proposed by the executive for the next ensuing fiscal period, the executive shall include in the budget document recommendations for the use of the excess for the reduction of indebtedness, for the reduction of taxation or for other purposes as in his or her discretion shall serve the best interests of the county.

4. If, for any applicable fund, the estimated revenues for the next ensuing period plus fund balance shall be less than the aggregate of appropriations proposed by the executive for the next ensuing fiscal period, the executive shall include in the budget document his or her proposals as to the manner in which the anticipated deficit shall be met, whether by an increase in the indebtedness of the county, by imposition of new taxes, by increase of tax rate or in any like manner.

C.1. Justification for revenues and expenditures shall be presented in detail when necessary to explain changes of established practices, unique fiscal practices and new sources of revenue or expenditure patterns or any data the executive considers useful to support the budget. The following elements shall be included:

a. nonbudgeted departments and programs expenditures and revenues; that is, intragovernmental service funds;

b. historical and projected agency workload information; and

c. a brief explanation of existing and proposed new programs, as well as the purpose and scope of agency activities.

2. Capital improvement program data shall include, but not be limited to, the streets and highway programming process, which shall specify priorities, guide route establishments, select route design criteria and provide detailed design information for each road or bridge project.

D.1. The department of executive services shall submit a request for CIP project funding, which shall specify project funding levels on a project-by-project basis, but which shall be appropriated at the major maintenance reserve fund CIP fund level, stated as an aggregate of individual projects for the budget year in question in accordance with K.C.C. 4.04.266. High-risk projects under K.C.C. 4.04.245 shall be funded as provided in K.C.C. 4.04.245.

2. The council may require other data from the department of executive services that the council considers necessary for review of the budget, which may include objects of expenditure and other expenditures categories.

E.1. The department of transportation shall submit a request for CIP project funding, which shall specify project funding levels on a project-by-project basis, but which shall be appropriated at the road CIP fund level, stated as an aggregate of individual projects for the budget year in question in accordance with K.C.C. 4.04.270. High-risk projects under K.C.C. 4.04.245 shall be funded as provided in K.C.C. 4.04.245.

2. The council may require other data from the department of transportation that the council considers necessary for review of the budget, which may include objects of expenditure and other expenditures categories.

F.1. The department of natural resources and parks shall submit a request for CIP project funding, which shall specify project funding levels on a project-by-project basis, but which shall be appropriated at the wastewater CIP fund level, stated as an aggregate of individual projects, including subprojects, for the budget year in question in accordance with K.C.C. 4.04.280. Except for multiyear construction contracts and carryover amounts approved during the annual CIP reconciliation process, appropriations shall be for one year. All construction contracts including multiyear construction contracts shall be appropriated for the full construction amount in the first year. Any multiyear construction contracts longer than three years must be specifically identified in the wastewater CIP budget request. The request for CIP project funding for wastewater asset management shall include categories of wastewater asset management projects. Wastewater asset management projects shall be appropriated annually at the category level. The executive-proposed CIP shall allocate anticipated expenditures for each wastewater asset management project category as part of the six-year wastewater CIP. For each category, a proposed project list will be appended. High-risk projects under K.C.C. 4.04.245 shall be funded as provided in K.C.C. 4.04.245.

2. The council may require other data from the department of natural resources and parks that the council considers necessary for review of the budget, which may include objects of expenditures and other expenditures categories.

G.1. The department of natural resources and parks shall submit a request for CIP project funding, which shall also specify project funding levels on a project-by-project basis but which shall be appropriated at the surface water management CIP fund level, states as an aggregate of individual projects, including subprojects, for the budget year in question in accordance with K.C.C. 4.04.275. Except for multiyear construction contracts and carryover amounts approved during the annual CIP reconciliation process, appropriations shall be for one year. All construction contracts including multiyear construction contracts shall be appropriated for the full construction amount in the first year. Any multiyear construction contracts longer than three years must be specifically identified in the surface water management CIP budget request. High-risk projects under K.C.C. 4.04.245 shall be funded as provided in K.C.C. 4.04.245.

2. The council may require from the department of natural resources and parks other data that the council considers necessary for review of the budget, which may include objects of expenditure and other expenditures categories. High-risk projects under K.C.C. 4.04.245 shall be funded as provided in K.C.C. 4.04.245.

H.1. The department of natural resources and parks shall submit a request for CIP project funding, which shall also specify project funding levels on a project-by-project basis but which shall be appropriated at the solid waste CIP fund level, states as an aggregate of individual projects, including subprojects, for the budget year in question in accordance with K.C.C. 4.04.273. Except for a multiyear construction contracts and carryover amounts approved during the annual CIP reconciliation process, appropriations shall be for one year. All construction contracts including multiyear construction contracts shall be appropriated for the full construction amount in the first year. Any multiyear construction contracts longer than three years must be specifically identified in the solid waste CIP budget request. High-risk projects under K.C.C. 4.04.245 shall be funded as provided in K.C.C. 4.04.245.

2. The council may require from the department of natural resources and parks other data that the council considers necessary for review of the budget, which may include objects of expenditure and other expenditures categories. (Ord. 16764 § 7, 2010: Ord. 16445 § 2, 2009: Ord. 16391 § 23, 2009: Ord. 16249 § 2, 2008: Ord. 14811 § 3, 2003: Ord. 14743 § 3, 2003: Ord. 14452 § 2, 2002: Ord. 14122 § 2, 2001: Ord. 13035 § 2, 1998: Ord. 12076 § 3, 1995).

4.04.040 Preparation and administration of budget.

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

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.

e. 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 hearings and it shall be the duty of those officials to disclose such information as may be required to enable the executive to arrive at final determinations.

f. The executive shall prepare and present an annual or a biennial budget and budget message to the council no later than ninety-five days before the end of the fiscal year or biennium. Copies of the budget and budget message shall be delivered to the clerk of the council and each councilmember.

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

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

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 and departmental and divisional work programs.

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

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

c. Upon completion of the budget hearings and at least thirty days before the end of the fiscal period, the council shall by ordinance adopt an appropriation ordinance granting authority to make expenditures and to incur obligations. 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. The council may adopt tax and revenue ordinances as may be necessary to implement the adopted appropriation ordinance.

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

B.1.a. Within thirty days after adoption of the appropriation ordinance, all agencies shall submit to the executive a statement of proposed expenditures at such times and in such 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.

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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. (Ord. 16445 § 3, 2009: Ord. 16391 § 24, 2009: 15545 § 3, 2006: Ord. 15328 § 3, 2005: Ord. 14561 § 14, 2002: Ord. 12685 § 1, 1997: Ord. 12045 § 23, 1995).

4.04.045 Overhead cost allocation policy. The following policies shall guide the development and implementation of the county's overhead cost allocation plan for allocating current expense costs to other county funds:

A. The current expense 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 agencies.

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

C. Recognizing that many current expense services are indirect and not easily quantifiable, overhead charges may be estimated.

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. (Ord. 10772 § 1, 1993).

III. REPORTING SYSTEM

4.04.050 Definitions. The following terms as used in this chapter shall, unless the context clearly indicates otherwise, have the respective meanings set forth in this section.

A. MANAGEMENT AUDIT. A review of the management practices and procedures used in an agency.

B. POST-AUDIT. An audit made after the transactions to be audited have taken place and have been recorded or have been approved for recording by designated officials, where required.

C. ALLOTMENT PLAN. A fiscal management plan which divides each County agency's program element budget into quarterly increments, reflecting the cyclical or seasonal pattern of expenditures, for the purpose of identifying over and under expenditures throughout the year.

D. ALLOTMENT RESERVE ACCOUNT. An account established in each Council appropriated program for the purpose of reserving excess quarterly allotments.

E. FISCAL NOTE. A report identifying the fiscal impact of a motion or ordinance which would directly or indirectly increase or decrease revenues or expenditures incurred by King County. (Ord. 5523 § 1, 1981: Ord. 4901 § 1, 1980: Ord. 620 § 4, (part), 1970).

4.04.060 Types of reports available - county annual report - management fiscal reports - annual postaudit report - budget allotment plan - quarterly management and budget report.

A. The county executive shall annually cause to be prepared and published a comprehensive financial report covering all funds and financial transactions of the county during the preceding fiscal year.

B. The county auditor shall periodically prepare and publish the results of examinations performed by his office of the effectiveness and efficiency of the operation of county agencies.

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.

D.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. (Ord. 14561 § 15, 2002: Ord. 5523 § 2, 3, 4, 5, 1981: Ord. 620 § 4 (part), 1970).

4.04.062 Reports when expenditures exceed budget detail plan.

A. Within the operating budget of the county, the executive or presiding elected official of each agency shall submit a report to the council when the amount of funds expended for a section for the current fiscal period exceeds fifteen percent of the amount identified in the budget detail plan for that section and shall a submit an additional report for each additional ten percent expended over that amount. The report shall, for those sections, list amounts expended with descriptions by object of expense, and describe the reasons and necessity for diverging from the section's budget detail plan. Three paper copies of the report and one electronic copy must be submitted to the clerk of the council within five business days of the end of the month in which the excess spending as identified in this section of the ordinance occurred. The clerk shall forward a paper copy to the chair and lead staff of the budget and fiscal management committee, or its successor, and an electronic copy to each councilmember.

B. For the purposes of this section, the county's operating budget includes all appropriations not included in the capital improvement program. (Ord. 16445 § 4, 2009).

4.04.070 Other reports. County agencies shall prepare other reports when requested by motion of the council and concurred in by the county executive. (Ord. 620 § 4 (part) 1970).

4.04.075 Fiscal note procedure.

A. The director shall establish, and submit to the council for approval by motion, a process, including form, content and timing, for the preparation of fiscal notes on the expected impact of proposed legislation that will increase or decrease county revenues or expenditures. The fiscal notes shall document the impact of proposed legislation for the current fiscal year and for each of the succeeding three fiscal years. If proposed legislation authorizes the execution of a contract or interlocal agreement that extends beyond three years, the fiscal note shall document the impact through the end of the term of the proposed contract or interlocal agreement. The director shall coordinate the development of fiscal notes with all affected agencies. Fiscal notes shall accompany all legislation transmitted by the executive, but a fiscal note may be omitted when the executive certifies in writing that the subject legislation has no significant fiscal impact on either the operating budget or the capital budget, or both.

B. All fiscal notes at a minimum shall contain:

1. A brief descriptive title of the proposed legislation;

2. An estimate of revenue impact of the proposed legislation. Revenue impact shall be displayed for: the current fiscal year and the three subsequent fiscal years; the current fiscal year and all subsequent years covered by a proposed contract or interlocal agreement; or the current fiscal year and all subsequent years for capital projects, in accordance with the applicable capital plan;

3. An estimate of the expenditure impact of the proposed legislation on either the operating budget or capital budget, or both. Expenditure impact shall be displayed for: the current fiscal year and the three subsequent fiscal years; the current fiscal year and all subsequent years covered by a proposed contract or interlocal agreement; or the current fiscal year and all subsequent years for capital projects, in accordance with the applicable capital plan. This section of the fiscal note shall present a detailed breakdown of the anticipated expenditure by fiscal year;

4. An explanation of how the revenue or expenditure impacts were developed. This section of the fiscal note shall include, but not be limited to: quantifiable data that illustrates a significant workload increase or decrease caused by adoption of the proposed legislation; major assumptions made in preparing the fiscal note; and an indication of whether or not passage of the proposed legislation was anticipated in the current fiscal year's budget;

5. For revenue-backed programs, whether revenues have actually been received. If revenues have not been received, the fiscal note shall indicate how they will be recovered. For grants, the fiscal note shall state whether or not the grant has been approved. For new fees or fee changes, in addition to the requirements of K.C.C. 2.99.030, the fiscal note shall identify the fee and include the rates proposed;

6. For capital projects, explanation of how the proposed legislation impacts the entire project; and

7. A copy of the most recent applicable financial plan or plans.

C. If the recommended course of action represents a change in policy, the fiscal note shall compare the cost and benefits of the recommended course of action to the cost and benefits of continuing with the current policy direction.

D. The director shall also provide a fiscal note on any proposed legislation whenever a fiscal note requested by a councilmember. In addition, the director shall provide additional fiscal impact information regarding the proposed legislation upon request by a councilmember. The requested fiscal note or information shall be returned within ten days of the request to the requesting councilmember and filed with the clerk of the council's office for distribution to all councilmembers, for distribution to lead staff of the budget and fiscal management committee, or its successor committee, and for inclusion with the proposed legislation. The lack of a fiscal note or failure of a fiscal note to meet the requirements of this chapter shall not affect the validity of legislation adopted by the council. (Ord. 14835 § 1, 2004: Ord. 14561 § 16, 2002: Ord. 12076 § 4, 1995).

IV. CONFLICTS WITH FEDERAL LAW

4.04.090 Federal law controlling. If any part of the ordinance codified herein is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the county, such conflicting part of the ordinance codified herein is declared to be inoperative solely to the extent of such conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of the ordinance codified herein in its application to the agencies concerned. The rules and regulations under the ordinance codified herein shall meet federal requirements which are a necessary condition to the receipt of federal funds by the county. (Ord. 620 § 5 (part), 1970).

4.04.100 Agencies excluded. The provisions of this chapter shall not apply to the operating budget and capital budgets of CIP projects exempted from Title 4 of this Code of the Harborview Medical Center. (Ord. 10563 § 1, 1992: Ord. 6818 § 13, 1984)

V. CAPITAL IMPROVEMENT PROGRAM

4.04.200 Executive responsibilities.

A.1. The executive shall be responsible for the implementation of all CIP projects pursuant to adopted project budgets and schedules. However, major maintenance reserve fund CIP projects may be implemented in accordance with the major maintenance reserve fund capital improvement budgeting procedures in K.C.C. 4.04.265, road CIP projects may be implemented in accordance with the roads capital improvement budgeting procedures in K.C.C. 4.04.270, solid waste CIP projects may be implemented in accordance with the solid waste capital improvement budgeting procedures in K.C.C. 4.04.273, surface water management CIP projects may be implemented in accordance with the surface water management capital improvement budgeting procedures in K.C.C. 4.04.275 and wastewater CIP projects may be implemented in accordance with the wastewater capital improvement budgeting procedures in K.C.C. 4.04.280

2. At least fifteen days before advertising for construction bids for any capital project, the council chair and councilmembers in whose district construction will take place shall be notified. The notification shall include project identification, advertising dates and a summary description of the work to be performed, though failure to comply with this provision shall not delay bid advertisement.

B.1. The executive shall be responsible for implementation of adopted CIP projects to ensure their completion on schedule and within adopted budgets. However, major maintenance reserve fund CIP projects may be reprogrammed in accordance with K.C.C. 4.04.265, roads CIP projects may be reprogrammed in accordance with K.C.C. 4.04.270, solid waste CIP projects may be reprogrammed in accordance with K.C.C. 4.04.273, surface water management CIP projects may be reprogrammed in accordance with K.C.C. 4.04.275 and wastewater CIP projects may be reprogrammed in accordance with K.C.C. 4.04.280.

2. The budget for each major maintenance reserve fund CIP project shall not exceed by more than fifteen percent the amount specified for that project in the adopted six-year major maintenance reserve fund CIP, except when the amount is modified by ordinance or in accordance with the CIP exceptions notification process. The budget for each roads CIP project shall not exceed by more than fifteen percent the amount specified for that project in the adopted six-year roads CIP, except when the amount is modified by ordinance or in accordance with the CIP exceptions notification process. The budget for each solid waste, surface water management and wastewater CIP project shall not exceed by more than fifteen percent the amount specified for that project in the adopted six-year solid waste, surface water management or wastewater CIP, except when the amount is modified by ordinance or in accordance with the CIP exceptions notifications process.

3. The executive may select consultants on all CIP projects. The executive shall implement this section by establishing rules and procedures that provide for consultant selection, ongoing CIP design review and project implementation.

C. All above-grade CIP projects shall be subject to the following process:

1. An operational master plan shall be developed by the agency requesting a CIP project in conjunction with the office of performance, strategy and budget and shall be submitted to the executive and the council for approval;

2. A capital improvement plan, based upon the adopted county space plan, where applicable, and the approved operational master plan, shall be developed by the user agency with assistance from the implementing agency and shall be submitted to the executive and the council for approval.

3. A project program plan, based upon the adopted county space plan, where applicable, and the approved operational master plan, shall be developed by the user agency, with assistance from the implementing agency, for each requested CIP. This plan shall be submitted to the executive and the council for approval. This plan shall specify which projects will require a site master plan;

4. A site master plan shall be developed by the implementing agency, with input from the user agency, for all capital improvements that involve multiple projects, are complex in nature, or are otherwise identified as requiring such a plan in the project program plan. This plan shall be submitted to the executive and council for approval;

5. The executive may exempt smaller scale projects from the requirements in subsection C.1. and 2. of this section if criteria for granting exemptions are established and approved by the council and if the implementing agency certifies the project program plan and related CIP or lease request is in conformance with the adopted county space plan; and

6. Capital projects that involve the development of new parks or significant addition to or rehabilitation of existing parks shall require a public meeting in the affected community at the program plan and site master plan stages, before submitting these plans to the executive and council for approval. (Ord. 16960 § 15, 2010: Ord. 16308 § 9, 2008: Ord. 14811 § 4, 2003: Ord. 14743 § 4, 2003: Ord. 14561 § 17, 2002: Ord. 14452 § 3, 2002: Ord. 14122 § 3, 2001: Ord. 13035 § 3, 1998: Ord. 12076 § 5, 1995).

4.04.210 Council responsibilities. The council shall review, amend, defer or adopt operational master plans, facility master plans, facility program plans, CIP project cost elements, schedules and total budget in the annual CIP budget or amendments thereto pursuant to the provisions of the King County Charter. (Ord. 8978 § 5, 1989: Ord. 7159 § 7, 1985).

4.04.220 Design consultants.

A. Design consultants for above grade, CIP projects may be selected only after the Project Program Plan has been approved by the council.

B. The process established for selecting design consultants will, pursuant to adopted project plans and budgets, include the definition and publication of each project's overall scope and schedule. Affirmative responses from consultants soliciting design work shall be the primary basis for the evaluation and selection of design consultants. The evaluation process shall, pursuant to K.C.C. 4.16, consider all requirements under the Minority/Women's Business Enterprises program as set forth in K.C.C. 4.18.

C. The requesting department or office shall be included in the process to review and make recommendations to the executive regarding the selection of design consultants for all CIP projects. (Ord. 12138 § 5, 1996).

4.04.240 CIP review.

A. Ongoing review of adopted CIP projects shall be managed by a CIP Implementation Team consisting of members from the following agencies:

1. Budget and strategic planning function in the executive office;
2. Implementing Agency; and
3. User Agency - if different than the Implementing Agency.

B. Projects shall be reviewed as needed for compliance with approved program, budget, and schedule. The CIP implementation team shall report, as needed, to the executive on any potential changes or problems related to any project's adopted scope, cost or schedule. (Ord. 12076 § 6, 1995).

4.04.245 CIP high-risk projects - risk determination - risk scoring instrument - phases - procedures.

A. For the purposes of this section:

1. "Capital projects oversight program" means the function within the King County auditor's office to oversee King County's large capital construction projects that was initially funded within the 2007 annual budget;

2. "Earned value management" means an analysis of how much has been accomplished on a capital project to date compared to the project's planned scope, schedule and cost. It includes a plan that identifies work to be accomplished, a valuation of planned work, and predefined earning rules that quantify how to measure the accomplishment of work;

3. "Eligible capital project" means a capital project as defined in K.C.C. 4.04.020, except it does not include information technology projects, transit acquisitions, affordable housing and community development projects that are developed and managed by noncounty entities, energy savings performance contracts or lease-based projects;

4. "Estimate at completion" means a forecast of cost and time to complete a project. The estimate at completion includes the amount of cost and time incurred to date plus remaining forecasted cost and time;

5. "High-risk project" means an eligible capital project with characteristics that increase its likelihood of being completed late or over budget at a potentially significant financial cost or other significant impact to the county. Whether an eligible capital project is a high-risk project shall be determined by the process in subsection C. of this section;

6. "Joint advisory group" means the real estate and major capital project review joint advisory group created in K.C.C. chapter 4.06;

7. "Lease-based project" means a project where a lease-purchase or lease-leaseback agreement is proposed, pursuant to chapter 35.42 RCW, that transfers construction risk to a developer or not-for-profit intermediary and provides the contractual basis for obtaining funding from a third party to finance construction of the project;

8. "Project baseline" means the scope, schedule and budget set at the conclusion of the preliminary design phase when the preferred alternative has been selected and design has progressed adequately to make reasonable and informed commitments, at thirty to forty percent design. Project baseline is used as a basis for variance reporting and performance measurement;

9. "Project management plan" means a formal document that defines how the project is executed, monitored and controlled. The objective of the project management plan is to define the approach and schedule to be used by the project team to deliver the intended project scope.

10. "Risk register" means a document that identifies potential events that could impact cost, schedule, or scope. The document formulates plans for addressing those risks.

11. "Rough order of magnitude cost estimate" means an early cost estimate based on approximate cost models; and

12. "Total project cost estimate" means the estimated project cost from the start of planning through project closeout. If the project has a range of potential project costs, the total project cost estimate is the highest cost in the range.

B.1. For any eligible capital project with a total project cost estimate of over ten million dollars, the executive shall transmit risk score results to the joint advisory group each year in accordance with the process identified in subsection C.1. of this section under the following circumstances:

a. the appropriation request for the project will be over two hundred thousand dollars or the appropriation request plus the project's prior appropriations will collectively exceed two hundred thousand dollars;

b. the project has not yet had a high-risk determination from the joint advisory group that was made after setting the project baseline; and

c. the project has not entered the construction phase.

2. The high-risk determination by the joint advisory group shall be made in accordance with the process outlined in subsection C. of this section.

3. High-risk projects shall provide supporting data in accordance with the requirements of subsections F. through H. of this section beginning with the next phase for which appropriation authority is requested.

C.1. The capital projects oversight program shall develop a risk scoring instrument for assessing whether an eligible capital project is a high-risk project. The instrument shall be submitted to the joint advisory group for its approval.

2. The risk scoring instrument shall be used by the implementing agency to generate a risk score for all projects that are required to be scored under subsection B.1. of this section.

3. The risk scoring instrument shall use information such as complexity of regulatory requirements, interdependencies with other projects and programs, schedule constraints, implementing agency resources, project delivery method, complexity of property acquisition issues, public impact, risks inherent to the likely construction technology, or any other issues that could have a significant impact on the ability of the project to meet baseline scope, schedule or budget.

4. The implementing agency director shall ensure that the risk scoring has been completed by qualified staff who does not report to the project manager, to anyone who reports to the project manager, or to anyone to whom the project manager directly reports.

5. By March 1, the executive shall electronically transmit all risk score results for eligible capital projects that require a risk score that year to the clerk of the council, who will retain an electronic copy and distribute electronic copies to the manager of the capital projects oversight program and the co-chairs of the joint advisory group or their designees, except that scoring results for eligible capital projects that received appropriations in 2010 shall be transmitted to the clerk of the council by July 31, 2010.

6. By the end of the first quarter of each year, or by the end of the third quarter in the year in which this ordinance is enacted, the joint advisory group, in consultation with the capital projects oversight program and using the risk scores for guidance, shall determine which projects for which it has received risk scores are high-risk projects. The joint advisory group may change the risk status of any of those projects when the joint advisory group receives an updated risk score.

7. The capital projects oversight program may recommend to the joint advisory group changes to the risk scoring instrument, but a new risk scoring instrument may be used only if the joint advisory group approves the instrument and provides an effective date for agency use of the instrument.

8. The joint advisory group shall file an electronic list of all eligible capital projects for which it has changed the high-risk status designation, including risk score and change in high-risk status, with the clerk of the council who will retain an electronic copy and distribute electronic copies to the chair of the budget and fiscal management committee or its successor and the manager of the capital projects oversight program.

9. Each agency or department that has at least one eligible capital project with a total project cost estimate of over ten million dollars should have at least one project designated as a high-risk project by the joint advisory group.

10. The executive may designate any eligible capital project as a high-risk project by letter or the council may designate any eligible capital project as a high-risk project by motion. Thirteen copies of the letter or motion shall be filed with the clerk of the council for distribution to all councilmembers, the co-chairs of the joint advisory group or their designees and the manager of the capital projects oversight program.

D. For purposes of identifying when an eligible capital project has entered a particular phase and when subsections F. through H. of this section apply, phases include preliminary design, design, construction and close-out, and the following characteristics shall be used as a guide:

1. The preliminary design phase is when evaluation and analysis of potential project alternatives occurs. Based on analysis, the preferred alternative is selected and designed sufficiently to establish a project baseline, at thirty to forty percent design. Activities requiring long lead times, such as land acquisition or permitting may be initiated during this phase. Some planning activities may occur prior to the preliminary design phase;

2. The design phase is the time during which design is completed, permits and other permissions are secured, and necessary land, rights-of-way, and easements are acquired so that the project (or staged elements of the project consistent with the project management plan) can proceed to construction. The design phase also includes development of a cost estimate, plans, specifications and a bid package. It is expected that the range of uncertainty associated with project cost estimates decreases as the design progresses. Activities to procure materials and equipment that require long lead times may be initiated during this phase. For projects with alternative delivery methods, such as general contractor-construction manager projects, the design phase may include some construction activities that occur before completion of project plans and specifications;

3. The construction phase is the time during which the project is constructed or implemented. This also includes the testing, inspection, adjustment, correction and certification of facilities and systems to ensure that the project performs as specified. The construction phase ends with final acceptance of the project; and

4. Close-out follows final acceptance and consists of administrative processes and associated accounting activities to close out all contracts. It may include multi-year monitoring. It should comprise no more than three percent of the total project cost.

E.1. When submitting a capital budget appropriation ordinance or an additional or amended capital budget appropriation ordinance to the council that includes an appropriation for a high-risk project, the executive shall submit supporting data as identified in subsections F. through H. of this section. For any item required by subsections F. through H. of this section that the executive does not provide with the appropriation request, the executive shall provide a detailed explanation of why it cannot be provided and, if the item is to be provided later, identify the date by which the item will be provided.

2. For some eligible capital projects, one or more phases may run concurrently, such as projects requiring staged construction due to site constraints or operational needs, or performed under a declaration of emergency. Some nonconstruction eligible capital projects, such as land acquisition, may not utilize all of the capital project phases.

a. When submitting a capital budget appropriation ordinance or an additional or amended capital budget appropriation ordinance to the council where the appropriation request encompasses work performed in more than one phase of a high-risk project, not including the close-out phase, the executive shall submit as supporting data an explanation of the cost and schedule factors necessitating appropriation for more than one phase. The executive shall also submit as supporting data a schedule for reporting those supporting items required by subsections F. through H. to the council. The schedule and items to be reported shall match milestones identified in the project management plan. The reports shall be filed with the clerk of the council for distribution to the chair of the budget and fiscal management committee or its successor.

b. The council should consider placing expenditure restrictions upon the appropriation that release funds contingent upon appropriate further action.

F. When submitting a capital budget appropriation ordinance or an additional or amended capital budget appropriation ordinance to the council that encompasses work performed in the preliminary design phase of a high-risk project, the appropriation request may include up to ten percent of the funding for the design phase. The executive shall, in addition to the requirements of section 4 of this ordinance, provide the following supporting data:

1. Identify design criteria;

2. Provide an estimate of preliminary design costs, start and end dates for the preliminary design phase, and a rough order of magnitude cost estimate, which may be expressed as a range, for design and construction phases;

3. Provide a planned schedule that shows the anticipated start and finish dates for each major task for the preliminary design phase, and for the design and construction phases, provide the anticipated start and finish dates for major work through completion;

4. Identify stakeholders;

5. Identify regulatory requirements and highlight any regulatory requirements that increase project risk; and

G. When submitting a capital budget appropriation ordinance or an additional or amended capital budget appropriation ordinance to the council that encompasses work performed in the design phase of a high-risk project, the executive shall, in addition to the requirements of section 4 of this ordinance, provide the following supporting data:

1. Describe the alternatives considered, including a summary of life-cycle cost analysis performed for feasible alternatives progressing to further design, and identify the recommended alternative or alternatives with detailed scope description;

2. Provide a summary of the results of a formal schedule and cost risk assessment conducted by an external consultant or staff who does not report to the project manager, to any person who reports to the project manager, or to anyone to whom the project manager directly reports;

3. Provide the project baseline, if set by the time of the appropriation request;

4. Certify that the implementing agency completed a cost estimate validation process to provide an independent evaluation of the project's cost estimates using an external consultant or staff who does not report to the project manager, to any person who reports to the project manager, or to anyone to whom the project manager directly reports;

5. Certify that significant progress has been made in environmental review and public outreach, identify steps remaining in the environmental review process, and summarize major issues;

6. Identify permits, acquisitions, and relocations, address mitigations, and highlight any of these that increase project risk to scope, schedule or budget;

7. Certify that application for external funding has begun, if applicable; and

8. For projects with alternative delivery methods that contemplate a need for early construction costs, provide an explanation of the need.

H.1. When submitting a capital budget appropriation ordinance or an additional or amended capital budget appropriation ordinance to the council that encompasses work performed in the construction phase of a high-risk project, the executive shall, in addition to the requirements of K.C.C. 4.04.247, provide the following supporting data:

a. certify that plans, specifications, estimates and contract documents reflect a level of design completion that is sufficient to support a final cost estimate and schedule for proceeding to procurement and specify the ready date for proceeding with the selected procurement method for the project;

b. certify that all required nonconstruction permits are in place in accordance with the project management plan or provide status of pending approvals and the expected date of receipt;

c. certify that all land acquisition, lease documents, and partnership agreements are in place in accordance with the project management plan or provide status of pending actions and expected date of receipt; and

d. certify that the implementing agency completed a cost estimate validation process to provide an independent evaluation of the project's cost estimates using an external consultant or staff who does not report to the project manager, to any person who reports to the project manager, or to anyone to whom the project manager directly reports.

2. The executive shall provide quarterly reports during the construction phase of a high-risk project. The quarterly report shall address performance relative to project baseline, highlight any significant variance from project baseline, summarize the top risks in the risk register, 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. Five copies of each report shall be filed with the clerk of the council, who shall retain a copy and distribute copies to the chair of the budget and fiscal management committee or its successor, the co-chairs of the joint advisory group or their designees and the manager of the capital projects oversight program.

I.1. The implementing agency shall establish and maintain a risk register for each high-risk project. The risk register shall be developed consistent with industry standards.

2. The implementing agency shall update the risk register at least quarterly, or more frequently should significant changes or additions be identified by the implementing agency.

J.1. The implementing agency shall employ earned value management on high-risk projects to forecast unfavorable variations in final project cost or completion date, based on progress to date.

2. Agencies shall apply earned value management tools and methods to the design and construction phases. The earned value management tools and methods, and the format and level of detail reported, shall be appropriate for the phase of the project and the associated level of certainty regarding cost and schedule estimates. Tools for earned value management may include forecasting estimate at completion for design phase and use of earned value analysis for the construction phase.

3. The analysis shall be updated at least monthly. (Ord. 16764 § 2, 2010).

4.04.246 CIP lease based projects - phases - procedures.

A. For purposes of this section, "lease-based project" is as defined in K.C.C. 4.04.245. The phases of a lease-based project are the planning, predevelopment and lease phases.

1. The planning phase is the time during which the county develops the scope of work including an estimate of project size, construction cost, and tenant improvements. The procurement process for the developer is completed in this phase.

2. The predevelopment phase is the time during which the county in conjunction with the developer identifies and analyzes potential alternatives, selects the preferred alternative and evaluates the technical and economic feasibility of the project. The preferred alternative is engineered to approximately thirty percent design. The draft lease agreement is agreed to in principle by the developer and the executive at the completion of the predevelopment phase.

3. The lease phase is when the executive requests council approval to enter into a lease agreement for the project.

B. When submitting a capital budget appropriation ordinance or an additional or amended capital budget appropriation ordinance to the council that encompasses work to be performed in the planning phase of a lease-based project, the executive shall provide as supporting data a cost estimate that details the anticipated cost for each major task required to complete the predevelopment phase.

C. When submitting a capital budget appropriation ordinance or an additional or amended capital budget appropriation ordinance to the council that encompasses work to be performed in the predevelopment phase of a lease-based project, the executive shall provide as supporting data an estimate of project size, construction cost and tenant improvements, and a description of performance requirements and space needs.

D. When submitting an ordinance requesting council approval to enter into a lease agreement for a lease-based project, the executive shall provide supporting data as follows:

1. Identify design criteria;

2. Provide a financial analysis of the project;

3. Provide the draft lease agreement agreed to by the executive and developer;

4. Provide the development team's pro forma cost plan for the design and construction of the project;

5. Provide a description and an analysis of the feasible alternatives considered, and identify the recommended alternative;

6. Provide planned schedule that shows the anticipated start and finish dates for each major task, consistent with the development team's pro forma cost plan;

7. Identify stakeholders;

8. Identify regulatory requirements;

9. Report variance of predevelopment phase major task performance from the schedule and cost estimate provided for the predevelopment phase.

E. For any item required by subsections B. through D. of this section that the executive does not provide with the appropriation request, the executive shall provide a detailed explanation of why it cannot be provided and, if the item is to be provided later, identify the date by which the item will be provided. (Ord. 16764 § 3, 2010).

4.04.247 CIP supporting data - procedures.

A. When submitting a capital budget appropriation ordinance or an additional or amended capital budget appropriation ordinance to the council, the executive shall include the following supporting data using a standard format, in the form of an electronic database when possible:

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

2. A brief description of the project and the project's purpose, including importance with respect to the implementing agency's priorities and goals, and consequences of deferral or disapproval;

3. Current phase of project, phase status and whether the project has been designated as a high-risk project by the joint advisory group;

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. Current-year appropriation requested amount;

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

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.

B.1. Capital project cost estimates shall be prepared in accordance with applicable industry standards, 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 value of money.

2. The level of detail incorporated within each estimate shall be commensurate with the information available at each phase, 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. (Ord. 16764 § 4, 2010).

4.04.250 CIP schedule requirements.

A. All CIP appropriation requests from the executive shall include project schedule information for land acquisition, design and construction for each project. All CIP projects involving county staff shall include estimated number of county staff hours in the ensuing fiscal year for each county force project cost element. The estimated schedule, with beginning and ending dates for each of these cost elements, shall be listed by month.

B. The requirements in subsection A of this section do not apply to reprogramming appropriations for:

1. The major maintenance reserve fund CIP being made at the major maintenance reserve fund level and major maintenance reserve fund CIP projects being reprogrammed, all in accordance with K.C.C. 4.04.265; and

2. The roads CIP being made at the roads CIP fund level, and roads projects being reprogrammed, all in accordance with K.C.C. 4.04.270 and

3. The solid waste, surface water management and wastewater CIPs being made at the solid waste, surface water management and wastewater CIP fund levels, and solid waste, surface water management and wastewater CIP projects being reprogrammed, all in accordance with K.C.C. 4.04.273, 4.04.275 and 4.04.280. (Ord. 14811 § 5, 2003: Ord. 14743 § 5, 2003: Ord. 14452 § 4, 2002: Ord. 14122 § 4, 2001: Ord. 13035 § 4, 1998: Ord. 7159 § 13, 1985).

4.04.260 Use of county forces.

A. As used in this section:

1. "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. "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.

4. "Responsible Official" means the department head given line responsibility by either the King County Charter or county ordinance for an individual capital project or capital improvement program.

B. King County 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 for the project will make a determination as to whether the skills necessary to perform a particular maintenance task are readily available from in-house 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 King County forces when the county 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. In making the determination as to whether it is necessary or advisable to use King County forces during the construction phase of any particular capital project, the responsible official(s) 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 would be seriously impaired by using county force labor on an individual project.

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. (Ord. 10489 § 1-4, 1992).

4.04.265 Major maintenance reserve fund capital improvement budgeting.

A. This section establishes procedures required for flexible response budgeting provisions applicable to the major maintenance reserve fund beginning in 2003 but shall not apply to high-risk projects under K.C.C. 4.04.245. Except as specifically provided in this section, budgeting for the major maintenance reserve fund shall be in accordance with other applicable county law.

B. To allow reprogramming flexibility needed to respond in a timely manner to events beyond the control of the facilities management division that result in temporary postponement or acceleration of major maintenance reserve fund CIP projects allocated in the current budget year, and notwithstanding any other provision of county law, current-year budget authorization for the major maintenance reserve fund CIP shall be appropriated at the total CIP fund level rather than CIP project level. Major maintenance reserve fund CIP project budget allocation reallocations may take place during the budget year among the projects specifically adopted in the current six-year major maintenance reserve fund CIP together with carryover projects from previously adopted plans in accordance with the procedures in this section without the need of amendatory appropriations ordinances.

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C.1. Implementation of the major maintenance reserve fund CIP shall be in accordance with the project funding priorities and project funding levels identified in the annual major maintenance reserve fund six-year CIP as adopted by the council. On or before May 15 of each year, the facilities management division shall prepare and file in the office of the clerk of the council a major maintenance reserve fund CIP reallocation report. All planned expenditures shall be consistent with the financial model, financial plan and program plan. The report shall provide the following information concerning all existing and previously approved uncompleted major maintenance reserve fund CIP projects:

a. each project's name and number;

b. project location;

c. current status of the project;

d. the year the project first received appropriation authority;

e. the initial estimate of the project's duration in years, or expected completion date;

f. the original estimate of the project's total cost;

g. any revisions to the original estimate of the project's total cost;

h. total budget, expenditures and encumbrances spanning the project's existence;

i. for each fiscal year of existence, the appropriation amount, the beginning balance, the summary totals of expenditures and encumbrances and the carryover at the year's end;

j. identification of any expenditures under the general facility major maintenance emergent need contingency project;

k. an explanation of scope changes or significant changes to schedule or budget since the last budget approval;

l. a reallocated major maintenance reserve fund six-year CIP, including a revised program plan, all changes to projects, estimated costs, schedules, and scopes of work to be pursued for the current year, and programmed in the remaining years of the six-year program;

m. a justification for each project postponement or acceleration;

n. identification of which projects will be ready for implementation in the current budget year within the constraints of the total current year fund appropriation; and

o. a revised financial model showing the impacts or adjustments resulting from the proposed allocations.

2. If current project in the adopted program needs to be postponed or accelerated, the report shall identify one or more projects of comparable budget allocation value in the current six-year major maintenance reserve fund CIP for acceleration or postponement in its place. If the budget allocation for a postponed or accelerated project exceeds the budget allocation of the project or projects proposed to be accelerated or postponed in its place, the difference shall be allocated to the general facility major maintenance emergent need contingency project appropriation. A postponed project shall be reallocated to the next possible year in the six-year program in which it could be accomplished. Succeeding projects shall be adjusted as necessary in the major maintenance reserve fund six-year CIP and financial plan. If a suitable CIP project does not exist to receive the reallocated funds, the funds shall remain allocated to the original CIP project.

D.1. The reallocation report shall be filed with the clerk of the council for distribution to the chair of the budget and fiscal management committee, or its successor committee, to each councilmember and to the lead staff for the budget and fiscal management committee, or its successor committee.

2. A councilmember who objects to a project reallocation proposed in the reallocation report shall notify the chair of the budget and fiscal management committee, or its successor committee, within fourteen days of the filing of the report. The chair shall consult with the councilmember and consider the objection and shall, within thirty days of the filing of the report, notify the executive in writing of project reallocations that may proceed and shall also notify the executive in writing of project reallocations that may not proceed. The chair of the budget and fiscal management committee, or its successor committee, shall file with the clerk of the council a copy of the written notice and send a copy of the notice to any councilmember who raised an objection. The reallocation report takes effect upon receipt by the executive of the written notice. However, if the written notice is not provided by the chair of the budget and fiscal management committee, or its successor committee within thirty days of the filing of the reallocation report, the report takes effect on the thirty-first day following the filing of the reallocation report.

E. If sufficient moneys are available, any scope change proposed for allocation in the current year that is not included in the current major maintenance reserve fund six-year CIP shall be funded from the general facility major maintenance emergent need contingency project. If moneys are not available, any scope change proposed for allocation in the current year may only be added to the major maintenance reserve fund CIP after going through the normal appropriation process.

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F. A general facility major maintenance emergent need contingency project shall be allocated in the current year fund appropriation to provide contingent budget authority to be used in accordance with in this chapter. The general facility major maintenance emergent need contingency project amount shall be no more than five percent of the current-year major maintenance reserve fund CIP budget or five hundred thousand dollars, whichever is less. (Ord. 16764 § 8, 2010: Ord. 14743 § 6, 2003).

4.04.266 Major maintenance financial program.

A. The following shall be submitted with the proposed appropriation ordinance for the ensuing budget year:

1. The 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 fund 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 fund those expenses. The model shall include any proposed changes from the previous year's 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 with and funded by the annual major maintenance fund budget request for the ensuing budget year, accompanied by criteria used to develop the list and any changes from the previous year's 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 ordinance. Expenditures may be made only for approved projects on the program plan or approved reallocations but total expenditures shall not exceed the amount appropriated to the fund.

B. 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 A.2. of this section. (Ord. 14743 § 7, 2003).

4.04.270 Roads capital improvement budgeting.

A. This section establishes procedures required for flexible response budgeting provisions applicable to the roads capital Improvement program (CIP) beginning in 1998 but shall not apply to high-risk projects under K.C.C. 4.04.245. Except as specifically provided herein, budgeting for the roads CIP shall be in accordance with existing county law.

B. In order to allow reprogramming flexibility needed to respond in a timely manner to events beyond the control of the road services division that result in temporary postponement of roads CIP projects allocated in the current budget year, and notwithstanding any other provision of county law, current year budget authorization for the roads CIP shall be appropriated at the total CIP fund level rather than CIP project level. Roads CIP project budget allocation substitutions may take place during the budget year among the projects specifically adopted in the current six-year roads capital improvement program together with carryover projects from previously adopted plans pursuant to the procedures set forth herein without the need for the enactment of amendatory appropriations ordinances.

C. Implementation of the roads CIP shall be in accordance with the project funding priorities and project funding levels identified in the annual roads six-year CIP as adopted by the county council. Prior to May 1 of each year, the road services division shall prepare and submit to the council a roads CIP reallocation report which shall include a review of the status of all projects contained in the current adopted six-year roads CIP together with those projects carried forward from previous adopted six-year roads CIPs, and shall identify which projects will be ready for implementation in the current budget year within the constraints of the total current year fund appropriation. In the case of any current year project in the adopted program that is not ready for implementation for reasons beyond the control of the road services division, the report shall identify for substitution one or more projects of comparable budget allocation value from within the current adopted six-year roads CIP. If the budget allocation for any project to be postponed exceeds the budget allocation of the proposed substituted project or projects, the difference shall be allocated to the cost model contingency roads CIP project. Conversely, if the budget allocation for any proposed substitute project exceeds the budget allocation for the postponed project or projects, such difference shall be allocated from the cost model contingency roads CIP project. Any project that is identified for postponement shall be reallocated to the year in the six-year program from which the project that is identified for substitution was originally programmed. If no suitable CIP project exists to receive the reallocated funds, the funds shall remain allocated to the original CIP project. The reallocation report shall include a reallocated roads six-year CIP including all changes to projects, estimated costs, schedules, and scopes of work to be pursued for the current year, and programmed in the remaining years of the six-year program. A justification for each project postponement and substitution shall be included in the report. The report shall also include an accounting summary of the current project status and the amount of unexpended project budget balance by expenditure option and revenue account for each project in the current year of the program.

D. The reallocation report shall be accompanied by a letter of transmittal to the chair of the transportation committee or designee, or its successor committee, with copies to each councilmember, and the lead staff for the transportation committee. Any councilmember who objects to specific project deferrals or advancements proposed in the reallocation report shall notify the chair of the transportation committee, or its successor committee, within fourteen days of receipt by the chair of the reallocation report. The councilmember must specify the project deferrals or advancements to which the member objects. Within thirty days of receipt of the reallocation report by the chair of the transportation committee, or its successor committee, the chair shall consider the objections raised and notify the executive in writing which project reallocations may go forward. The reallocation report takes effect upon receipt by the executive of the chair's written notice. If a written notice is not provided by the chair, the reallocation report takes effect on the thirty-first day following receipt of the reallocation report by the chair.

E. The department of transportation shall provide to the council a written summary of the preliminary status of road capital expenditures and construction projects by March 1 of each year. Such a status report shall include a list of projects anticipated to be included in the reallocation report and any other project complications or progress highlights deemed significant by the department. The status report shall be presented to the council transportation committee by the department of transportation at the request of the chair.

F. A roads CIP grant contingency project shall be allocated in the current year fund appropriation to provide contingent budget authority associated with potential grant sources that may be programmed if a grant eligible project is substituted into the current year of the program. All unallocated contingent grant supported appropriation will be disappropriated at year end.

G. Any new project proposed for allocation in the current year that is not included in the current or previously adopted roads six-year CIP, or any newly proposed project cost or project scope to be added to a project adopted as part of the roads six-year CIP that cannot be accommodated by transfers of contingency funds, shall be added to the roads CIP through the normal appropriation process. Transfers of contingency funds that are required after the roads CIP reprogramming report is transmitted to the council will be reported to the chair of the transportation committee. Transfers from contingency funds in excess of fifteen percent of the total project cost shall be contingent upon written approval by the chair of the transportation committee. (Ord. 16764 § 9, 2010: Ord. 14122 § 5, 2001: Ord. 13035 § 5, 1998).

4.04.273 Solid waste capital improvement budgeting.

A. This section establishes procedures required for flexible response budgeting provisions applicable to the solid waste CIP beginning in 2004 but shall not apply to high-risk projects under K.C.C. 4.04.245. Except as specifically provided in this section, budgeting for the solid waste CIP shall be performed in accordance with other applicable county law.

B. To allow reprogramming flexibility needed to respond in a timely manner to events beyond the control of the solid waste division that result in temporary postponement or acceleration of solid waste CIP projects allocated in the current budget year, and notwithstanding any other provision of county law, current-year budget authorization for the solid waste CIP shall be appropriated at the total CIP fund level rather than CIP project level. Solid waste CIP project budget allocation reallocations may take place during the budget year among the projects specifically adopted in the current six-year solid waste CIP together with carryover projects from previously adopted plans in accordance with the procedures in this section without the need for the enactment of amendatory appropriations ordinances.

C.1. Implementation of the solid waste CIP shall be in accordance with the project funding priorities and project funding levels identified in the annual solid waste six-year CIP as adopted by the council. On or before May15 of each year, the solid waste division shall prepare and file with the office of the clerk of the council a solid waste CIP reallocation report. The report shall provide a status report on implementation of all solid waste CIP projects contained in the current adopted six-year solid waste CIP together with those projects carried forward from previously adopted six-year solid waste CIPs, and shall include:

a. an explanation of significant changes to scope, schedule and impact on work plan and budget since last budget approval;

b. identification of revisions to milestones and budget for the current year;

c. a proposal for revisions to scope, budget and schedule for the next six months;

d. a reallocated solid waste six-year CIP including a revised financial plan, all changes to projects, estimated costs, schedules and scopes of work to be pursued for the current year and programmed in the remaining years of the six-year program;

e. a justification for each project postponement or acceleration and substitution;

f. an accounting summary of the current project status and the amount of unexpended project budget balance by project phase and revenue for each project in the current year of the program;

g. the original project cost estimate;

h. the revised project cost estimate that is being used as the basis for the current year fund appropriation and six-year CIP; and

i. identification of which projects will be ready for implementation in the current budget year within the constraints of the total current year fund appropriation.

2. For any current project in the adopted program that is not ready for implementation for reasons beyond the control of the solid waste division or if a project needs to be accelerated, the report shall identify for substitution or postponement one or more projects of comparable budget allocation value from within the current adopted six-year solid waste CIP. If the budget allocation for any project to be postponed or accelerated exceeds the budget allocation of the proposed substituted or postponed project or projects, the difference shall be allocated to or from the solid waste CIP contingency appropriation. A postponed project shall be reallocated to the year in the six-year program from which the project that is identified for substitution was originally programmed. If a suitable CIP project does not exist to receive the reallocated funds, the funds shall remain allocated to the original CIP project.

D.1. The reallocation report shall be accompanied by a transmittal letter addressed to the chair of the budget and fiscal management committee or designee, or its successor committee, and the chair of the utilities committee, or its successor committee, and copies of the report and letter shall be filed with the office of the clerk of the council for distribution to each councilmember, to the chair of the budget and fiscal management committee or designee, or its successor committee, to the chair of the utilities committee, or its successor committee, and to the lead staff for the budget and fiscal management committee and for the utilities committee.

2. A councilmember who objects to a project reallocation proposed in the reallocation report shall notify the chair of the budget and fiscal management committee, or its successor committee, within fourteen days of the filing of the report. Within thirty days of the filing of the reallocation report, the chair of the budget and fiscal management committee, or its successor committee, shall consider the objections raised and notify the executive in writing which project reallocations may proceed and shall also notify the executive in writing of project reallocations that may not proceed. The chair of the budget and fiscal management committee, or its successor committee, shall file with the clerk of the council a copy of the written notice and send a copy of the notice to any councilmember who raised an objection. The reallocation report takes effect upon receipt by the executive of the written notice. However, if a written notice is not provided by the chair of the budget and fiscal management committee, or its successor committee, within thirty days of the filing of the reallocation report, the report takes effect on the thirty-first day following the filing of the reallocation report.

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E. Any new project proposed for allocation in the current year that is not included in the current or previously adopted solid waste six-year CIP, or any newly proposed project cost or project scope to be added to a project adopted as part of the solid waste six-year CIP that cannot be accommodated by transfers of contingency funds, may be added to the solid waste CIP after going through the normal appropriation process. Transfers of contingency funds that are required after the solid waste CIP reprogramming report is transmitted to the council shall be reported by the department of natural resources by filing the report with the clerk of the council for distribution to the chair of the budget and fiscal management committee, or its successor committee, and the chair of the utilities committee, or its successor committee, with copies to lead staff for the budget and fiscal management committee and for the utilities committee. Transfers from contingency funds in excess of fifteen percent of the total project cost shall be contingent upon written approval by the chair of the budget and fiscal management committee, or its successor committee.

F. A solid waste CIP contingency project shall be allocated in the landfill reserve fund and the solid waste construction fund current year fund appropriations to provide contingent budget authority to be used according to the requirements established in this chapter. The solid waste CIP contingency project amount for each fund shall be seven and one-half percent of the current year solid waste CIP budget, but shall not exceed ten million dollars. (Ord. 16764 § 10, 2010: Ord. 14811 § 6, 2003).

4.04.275 Surface water management capital improvement budgeting.

A. This section establishes procedures required for flexible response budgeting provisions applicable to the water and land resources division beginning in 2003 but shall not apply to high-risk projects under K.C.C. 4.04.245. Except as specifically provided in this section, budgeting for the surface water management CIP fund shall be in accordance with other applicable county law.

B. To allow reprogramming flexibility needed to respond in a timely manner to events beyond the control of the water and land resources division that result in temporary postponement or acceleration of surface water management CIP projects allocated in the current budget year, and notwithstanding any other provision of county law, current-year budget authorization for the surface water management CIP shall be appropriated at the total CIP fund level rather than CIP project level. Surface water management CIP project budget allocation substitutions may take place during the budget year among the projects specifically adopted in the current six-year surface water management CIP together with carryover projects from previously adopted plans in accordance with the procedures in this section without the need for the enactment of amendatory appropriations ordinances.

C.1. Implementation of the surface water management CIP shall be in accordance with the project funding priorities and project funding levels identified in the annual surface water management six-year CIP as adopted by the county council. Beginning in 2003, on or before May 15 of each year, the water and land resources division shall prepare and submit to the council a surface water management CIP reallocation report. The report shall provide the information in a. through e. of this subsection C.1 concerning proposed exceptions to surface water management CIP projects contained in the current adopted six-year surface water management CIP together with those projects carried forward from previous adopted six-year surface water management CIPs:

a. identification of any new emergency projects that are proposed to receive funding allocated for emergencies;

b. an explanation of significant changes to scope, schedule or budget since last budget approval;

c. a reallocated surface water management six-year CIP including a revised financial plan, all changes to projects, estimated costs, schedules and scopes of work to be pursued for the current year, and programmed in the remaining years of the six-year program;

d. a justification for each project postponement or acceleration and substitution;

e. identification of which projects will be ready for implementation in the current budget year within the constraints of the total current year fund appropriation;

f. identification of specific projects that are recommended to proceed using advanced appropriation authority and grant contingency funds in accordance with K.C.C. 4.04.300; and

g. a map showing the locations of projects proposed for deferral or acceleration, projects proposed to be implemented using the current-year appropriation for emergency funds, and projects proposed to be funded using the grant contingency funds authorized by K.C.C. 4.04.300.

2. For any current project in the adopted program that is not ready for implementation for reasons beyond the control of the water and land resources division or if a project needs to be accelerated, the report shall identify for substitution or postponement one or more projects of comparable budget allocation value from within the current adopted six-year surface water management CIP. If the budget allocation for any project to be postponed or accelerated exceeds the budget allocation of the proposed substituted or postponed project or projects, the difference shall be allocated to or from the surface water management CIP contingency appropriation. A project that is identified for postponement shall be reallocated to the next possible year in the six-year program in which it could be accomplished, adjusting succeeding projects as necessary in the surface water management six-year CIP and financial plan submitted in accordance with this section. If a suitable CIP project does not exist to receive the reallocated funds, the funds shall remain allocated to the original CIP project.

D. The reallocation report shall be accompanied by a letter of transmittal to the chair of the budget and fiscal management committee or designee, or its successor committee, and the chair of the utilities committee, or its successor committee, and copies of the report and letter shall also be transmitted to each councilmember and the lead staff for the budget and fiscal management committee, or its successor committee, and for the utilities committee, or its successor committee. Any councilmember who objects to specific project deferrals or advancements proposed in the reallocation report shall notify the chair of the budget and fiscal management committee, or its successor committee, within fourteen days of receipt by the chair of the reallocation report. The councilmember must specify the project deferrals or advancements to which the member objects. Within thirty days of receipt of the reallocation report by the chair of the budget and fiscal management committee, or its successor committee, the chair shall, in consultation with the councilmembers raising objections, consider the objections raised and notify the executive in writing which project reallocations may not proceed as proposed. The chair of the budget and fiscal management committee shall send a copy of the letter to any councilmembers who raised objections. The reallocation report takes effect upon receipt by the executive of the chair's written notice. If a written notice is not provided by the chair of the budget and fiscal management committee, or its successor committee, the reallocation report takes effect on the thirty-first calendar day following receipt of the reallocation report by the chair.

E. Any new project proposed for allocation in the current year that is not included in the current or previously adopted surface water management six-year CIP, or any newly proposed project scope to be added to a project adopted as part of the surface water management six-year CIP that cannot be accommodated by transfers of contingency funds, may be added to the surface water management CIP after going through the normal appropriation process. Transfers of contingency funds that are required after the surface water management CIP reallocation report is transmitted to the council shall be reported by the department of natural resources and parks to the chair of the budget and fiscal management committee, or its successor committee, and the chair of the utilities committee, or its successor committee, with copies to lead staff for the budget and fiscal management committee, or its successor committee, and for the utilities committee, or its successor committee. Transfers from contingency funds in excess of fifteen percent of the total project cost shall be contingent upon written approval by the chair of the budget and fiscal management committee, or its successor committee.

F. Beginning January 1, 2003, a surface water management CIP contingency project shall be allocated in the current year fund appropriation to provide contingent budget authority to be used according to the requirements established in this chapter. The surface water management CIP contingency project amount shall be no more than ten percent of the current year surface water management CIP budget or one million dollars, whichever is less. (Ord. 16764 § 11, 2010: Ord. 14452 § 5, 2002).

4.04.280 Wastewater capital improvement budgeting.

A. This section establishes procedures required for flexible response budgeting provisions applicable to the wastewater CIP beginning in 2002 but shall not apply to high-risk projects under K.C.C. 4.04.245. Except as specifically provided in this section, budgeting for the wastewater CIP shall be in accordance with other applicable county law.

B. To allow reprogramming flexibility needed to respond in a timely manner to events beyond the control of the wastewater treatment division that result in temporary postponement or acceleration of wastewater CIP projects allocated in the current budget year, and not withstanding any other provision of county law, current-year budget authorization for the wastewater CIP shall be appropriated at the total CIP fund level rather than CIP project level. Wastewater CIP project budget allocation substitutions may take place during the budget year among the projects specifically adopted in the current six-year wastewater CIP together with carryover projects from previously adopted plans in accordance with the procedures in this section without the need for the enactment of amendatory appropriations ordinances; provided, however, that allocation substitutions for wastewater asset management projects may be done only between projects within wastewater asset management project categories, and not between projects in different wastewater asset management project categories.

C.1. Implementation of the wastewater CIP shall be in accordance with the project funding priorities and project funding levels identified in the annual wastewater six-year CIP as adopted by the county council. Beginning in 2002, on or before April 15 of each year, the wastewater treatment division shall prepare and submit to the council a wastewater CIP reallocation report. The report shall provide a status report on implementation of all wastewater CIP projects contained in the current adopted six-year wastewater CIP together with those projects carried forward from previous adopted six-year wastewater CIPs, and shall include:

a. an explanation of significant changes to scope, schedule and impact on work plan and budget since last budget approval;

b. identification of revisions to milestones and budget for the current year;

c. a proposal for revisions to scope, budget and schedule for next six months;

d. a reallocated wastewater six-year CIP including a revised financial plan, all changes to projects, estimated costs, schedules, and scopes of work to be pursued for the current year, and programmed in the remaining years of the six-year program;

e. a justification for each project postponement or acceleration and substitution;

f. an accounting summary of the current project status and the amount of unexpended project budget balance by project phase and revenue for each project in the current year of the program;

g. the original project cost estimate;

h. the revised project cost estimate that is being used as the basis for the current year fund appropriation and six-year CIP; and

i. identification of which projects will be ready for implementation in the current budget year within the constraints of the total current year fund appropriation.

2. For any current project in the adopted program that is not ready for implementation for reasons beyond the control of the wastewater treatment division or if a project needs to be accelerated, the report shall identify for substitution or postponement one or more projects of comparable budget allocation value from within the current adopted six-year wastewater CIP. If the budget allocation for any project to be postponed or accelerated exceeds the budget allocation of the proposed substituted or postponed project or projects, the difference shall be allocated to or from the wastewater CIP contingency appropriation. Any project that is identified for postponement shall be reallocated to the year in the six-year program from which the project that is identified for substitution was originally programmed. If no suitable CIP project exists to receive the reallocated funds, the funds shall remain allocated to the original CIP project.

D. The reallocation report shall be accompanied by a letter of transmittal to the chair of the budget and fiscal management committee or designee, or its successor committee, and the chair of the utilities and technology committee, or its successor committee, and copies of the report and letter shall also be transmitted to each councilmember, and the lead staff for the budget and fiscal management committee and for the utilities and technology committee. Any councilmember who objects to specific project deferrals or advancements proposed in the reallocation report shall notify the chair of the budget and fiscal management committee, or its successor committee, within fourteen days of receipt by the chair of the reallocation report. The councilmember must specify the project deferrals or advancements to which the member objects. Within thirty days of receipt of the reallocation report by the chair of the budget and fiscal management committee, or its successor committee, the chair will consider the objections raised and notify the executive in writing which project reallocations may go forward. The reallocation report takes effect upon receipt by the executive of the chair's written notice. If a written notice is not provided by the chair, the reallocation report takes effect on the thirty-first day following receipt of the reallocation report by the chair.

E. Any new project proposed for allocation in the current year that is not included in the current or previously adopted wastewater six-year CIP, or any newly proposed project cost or project scope to be added to a project adopted as part of the wastewater six-year CIP that cannot be accommodated by transfers of contingency funds, may be added to the wastewater CIP after going through the normal appropriation process. Transfers of contingency funds that are required after the wastewater CIP reprogramming report is transmitted to the council shall be reported by the department of natural resources to the chair of the budget and fiscal management committee, or its successor committee, and the chair of the utilities and technology committee, or its successor committee, with copies to lead staff for the budget and fiscal management committee and for the utilities and technology committee. Transfers from contingency funds in excess of fifteen percent of the total project cost shall be contingent upon written approval by the chair of the budget and fiscal management committee, or its successor committee.

F. A wastewater CIP contingency project shall be allocated in the current year fund appropriation to provide contingent budget authority to be used according to the requirements established in this chapter. Effective January 1, 2002, the wastewater CIP contingency project amount shall be seven and one-half percent of the current year capital expenditures included in the financial plan of the current year adopted sewer rate, but shall not exceed ten million dollars.

G. On or before August 1, 2001, the wastewater treatment division shall prepare and submit to the chair of the budget and fiscal management committee and the chair of the utilities and technology committee a 2001 CIP appropriations report.

1. The report shall provide a status report on implementation of all wastewater CIP projects contained in the current adopted six-year wastewater CIP together with those projects carried forward from previous adopted six-year wastewater CIPs, and shall include:

a. an explanation of significant changes to scope, schedule and impact on work plan and budget since last budget approval;

b. identification of revisions to milestones and budget for the current year;

c. a proposal for revisions to scope, budget and schedule for next six months;

d. a reallocated wastewater six-year CIP including all changes to projects, estimated costs, schedules, and scopes of work to be pursued for the current year, and programmed in the remaining years of the six-year program;

e. a justification for each project postponement or acceleration and substitution;

f. a revised financial plan;

g. an accounting summary of the current project status and the amount of unexpended project budget balance by project phase and revenue for each project in the current year of the program; and

h. identification of which projects will be ready for implementation in the current budget year within the constraints of the total current year fund appropriation; and

2. The report shall also include the department's proposal for defining project categories in the 2002 budget, including the list of categories to be funded under the wastewater asset management appropriations beginning in 2002. (Ord. 16764 § 12, 2010: Ord. 14599 § 1, 2003: Ord. 14122 § 6, 2001).

4.04.300 Grant contingency projects.

A. This section allows for creation of a grant contingency project that would allow for more efficient implementation of grant-funded projects in the surface water management construction fund 3292 and the open space nonbond fund 3522. Except as specifically provided in this section, budgeting for surface water management CIP and open space nonbond projects fund shall be in accordance with other applicable county law.

B. The surface water management construction fund 3292 and the open space nonbond county projects fund 3522 may each include a "grant contingency" project that would provide advance appropriation authority for grants or other external funding anticipated for projects to be implemented by the water and land resources division. The executive shall supply documentation, such as grant applications or records of previous grant awards, to support the appropriation proposed for these projects. Funds appropriated for these projects shall not be spent unless the following three conditions are met:

1. the funds are from an external source or a combination of external funds and county match;

2. the council received proper notice of the application made by the water and land resources division to receive the funds; and

3. the project on which the funds are to be spent was identified in the project sheet associated with the "grant contingency" project. (Ord. 14452 § 6, 2002).

Chapter 4.06
REAL ESTATE AND MAJOR CAPITAL PROJECT REVIEW JOINT ADVISORY GROUP

Sections:

4.06.010 Establishment and purpose.
4.06.020 Definitions.
4.06.030 Membership, chair and ex officio members.
4.06.040 Responsibilities.
4.06.050 Staffing, rules and procedures.

4.06.010 Establishment and purpose. The King County real estate and major capital project review joint advisory group is hereby established to provide a forum for early policy level dialogue between the executive and the council on major capital project and major real estate matters. The joint advisory group should provide the executive and legislative branches of government an opportunity to explore and discuss emergent projects and issues, as well as ongoing proposals regarding major capital projects and major real estate projects. The items for discussion by the group should exclude major technology projects considered for development and review that are included in the information technology governance processes pursuant to K.C.C. 2.16.0757 and 2.16.0758. (Ord. 14921 § 3, 2004).

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

A. "Designee" means the person appointed by a group member to participate on his or her behalf at any given meeting. A designee may be a councilmember, departmental director, or staff person, as determined by a group member to represent them.

B. "Group" means the real estate and major capital project review joint advisory group established by K.C.C. 4.06.010.

C. "Major capital project" means a capital project as defined in K.C.C. 4.04.020 that:

1. Has an estimated overall project cost that exceeds ten million dollars; or

2. Has an overall project cost that exceeds ten million dollars and is subject to CIP exceptions notification as described in K.C.C. 4.04.020.O; or

3. Has an overall project cost that exceeds ten million dollars and exhibits major unanticipated changes affecting scope, schedule or liabilities as determined by either the executive or council; or

4. Has significant policy considerations as determined by either the executive or council.

D. "Major real estate project" means any real estate transaction meeting the definitions of county owned real property or surplus property as described in K.C.C. chapter 4.56 that:

1. Has an estimated value that exceeds one million dollars; or

2. Is valued at one million dollars or more and is subject to the processes established in K.C.C. 4.56.070 for acquisition, disposition, lease, sale or transfer of property; or

3. Has significant policy considerations as determined by either the executive or council.

(Ord. 14921 § 4, 2004).

4.06.030 Membership, chairmanship and ex officio members.

A. The group members shall be the chair of the metropolitan King County council, the chairs of the budget and fiscal management committee and the labor, operations and technology committee or their successor committees as defined by the council's organizational motion, and three participants as determined appropriate by the executive, depending on projects to be discussed. Executive participants may include the facilities management director, the department of natural resources director, the department of transportation director or the office of performance, strategy and budget director, as assigned by the executive.

B. The chair of the metropolitan King County council and the King County executive, or their designees, shall serve as group cochairpersons.

C. Group members may appoint a designee to participate in any meeting on their behalf.

D. Councilmembers or executive branch persons directly affected by or with specific knowledge of the real estate or major capital project program areas to be discussed at a monthly meeting may be invited by any group member to participate as ex officio members during consideration of that program area. (Ord. 16960 § 16, 2010: Ord. 14921 § 5, 2004).

4.06.040 Responsibilities. The group shall explore and discuss issues surrounding major capital projects and major real estate asset management matters. The group shall provide a forum for early policy level dialogue, discussion and input to ensure timely and informed council decisions. The group shall:

A. Review and discuss policy matters regarding major capital projects;

B. Review and discuss policy matters regarding major real estate asset management;

C. Provide early policy input regarding potential budget initiatives in major capital projects and major real estate matters;

D. Provide early policy input regarding long-term strategic real estate asset management and capital improvement project goals;

E. Discuss significant real estate policy issues related to major capital projects;

F. Assist coordination of capital project and real estate management matters involving independent elected officials in King County government; and

G. Participate in the process for designating high-risk capital projects as required by K.C.C. 4.04.245. (Ord. 16764 § 13, 2010: Ord. 14921 § 6, 2004).

4.06.050 Staffing, rules and procedures.

A. The group shall meet monthly.

B. The council and executive shall jointly staff the committee, splitting the administrative functions equally between the branches of government. The co chairpersons shall determine administrative assignments, and shall rotate assignments to maintain equity in workload. The co chairpersons shall strive to keep administrative functions to a minimum.

C. Group members may bring staff as needed to support the activities of the group.

D. Any major capital project or major real estate project that meets the definitions in K.C.C. 4.06.020 should be added to the group's next monthly meeting agenda.

E. Items for discussion shall be determined and forwarded to group members before each meeting.

F. After each meeting, a list of projects discussed shall be provided to each group member, each King County councilmember and participating staff. The list should include the council district in which the projects are located. (Ord. 14921 § 7, 2004).

Chapter 4.08
FUNDS

Sections:

4.08.005 Definitions.
4.08.015 First tier funds and designated fund managers.
4.08.020 Airport fund.
4.08.025 Second tier funds and designated fund managers.
4.08.030 Accounting funds - Creation authority - Ordinance review.
4.08.035 Fund manager duties and responsibilities - Delegation.
4.08.040 Sewer ULID construction fund.
4.08.045 Landfill reserve fund.
4.08.050 Insurance fund.
4.08.055 Risk abatement fund.
4.08.056 Rainy day reserve fund.
4.08.057 Climate Exchange fund.
4.08.058 Business resource center fund.
4.08.060 Employee benefits program fund.
4.08.065 Enhanced 911 emergency telephone system fund.
4.08.070 King County worker's compensation fund.
4.08.082 Parks and recreation fund.
4.08.083 Parks capital fund.
4.08.085 Conservation futures fund.
4.08.090 Park facilities rehabilitation fund.
4.08.095 Parks trust and contribution fund.
4.08.100 Surface and storm water construction fund.
4.08.110 Building capital improvement fund.
4.08.130 Northshore park and recreation service area.
4.08.140 Enumclaw parks and recreation service area.
4.08.150 Local hazardous waste fund.
4.08.160 Solid waste environmental reserve fund.
4.08.170 Surface water management (SWM) CIP construction fund.
4.08.185 Public art fund.
4.08.190 Arts and cultural development fund.
4.08.195 Cultural resources endowment fund.
4.08.197 Cultural resource mitigation fund.
4.08.199 Historical preservation and historical programs fund.
4.08.210 Landfill post-closure maintenance fund.
4.08.220 Youth sports facilities grant fund.
4.08.230 Real estate excise tax, number 2 fund.
4.08.235 Housing opportunity acquisition fund.
4.08.240 School district impact fee fund.
4.08.250 Major maintenance reserve fund.
4.08.265 Metropolitan services funds created.
4.08.270 GIS core project fund.
4.08.275 Geographic information systems fund.
4.08.280 Solid waste capital equipment recovery fund.
4.08.290 Construction and facilities management internal service fund.
4.08.295 Radio communications operating fund and radio communications services construction fund.
4.08.296 Department of executive services informing technology equipment replacement fund.

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4.08.297 Information and telecommunications capital improvement fund.
4.08.298 Office of information resource management operating fund.
4.08.299 Office of information resource management capital fund.
4.08.300 Public health fund.
4.08.305 Wastewater equipment, rental and revolving fund.
4.08.315 Noxious weed control fund.
4.08.318 Mental illness and drug dependency fund.
4.08.320 Alcohol and substance abuse services fund.
4.08.321 Children and family services fund.
4.08.322 Health and human services levy fund.
4.08.324 Veterans services levy fund.
4.08.325 Transit cross-border lease financing fund.
4.08.327 Transfer of development rights (TDR) program -- TDR bank fund authorization.
4.08.330 Clark Contract administration fund.
4.08.335 Grants tier 1 fund.
4.08.340 Institutional network operating fund.
4.08.345 Employee charitable campaign contributions fund.
4.08.360 King County marine division operating fund.
4.08.370 King County marine division capital fund.
4.08.380 King County flood control operating contract fund.
4.08.390 King County flood control capital contract fund.
4.08.395 Special purpose revolving funds.
4.08.400 Recorder's operation and maintenance fund.
4.08.410 Animal bequest fund.
4.08.420 Regional animal services fund.

Cross-References:

Citizen councilor revolving fund - See K.C.C. 1.40.100
City-county civil defense fund - See K.C.C. chapter 2.56.
City-county health fund - See K.C.C. chapter 2.24.
Emergency radio communication system fund - See K.C.C. chapter 2.58
Medical center building repair and replacement fund - See K.C.C. chapter 2.42
Surface water management fund - See K.C.C. 9.08.110
Trust and contribution fund - See K.C.C. chapter 2.80.

4.08.005 Definitions. As used in this chapter, the following terms shall have the following meanings:

A. "Manager" means the manager of the finance and business operations division.

B. "First tier fund" means a fund that is listed or described as a first tier fund in this chapter.

C. "Fund manager" means that person holding or exercising the powers of the position or office specified in this chapter as the manager for each fund. For any fund for which no fund manager is designated, the manager of the finance and business operations division shall be the fund manager.

D. "Second tier fund" means a fund that is listed or described as a second tier fund in this chapter and that is not to be invested for its own benefit under the first paragraph of RCW 36.29.020. (Ord. 14743 § 8, 2003: Ord. 14561 § 18, 2002: Ord. 14199 § 33, 2001: Ord. 12076 § 8, 1995).

4.08.015 First tier funds and designated fund managers.

A. First tier funds and fund managers are as follows:

Fund No.	Fund Title	Fund Manager
103	County Road	Dept. of Transportation
104	Solid Waste Landfill Post Closure Maintenance	Dept. of Natural Resources and Parks
106	Veterans' Relief	Dept. of Community and Human Services
109	Recorder's O & M	Dept. of Executive Services
111	Enhanced-911 Emergency Tel System	Dept. of Executive Services
112	Mental Health	Dept. of Community and Human Services
113-5	Mental Illness and Drug Dependency	Dept. of Community and Human Services
114-1	Veterans' Services Levy	Dept. of Community and Human Services
114-2	Health and Human Services Levy	Dept. of Community and Human Services
115	Road Improvement Guaranty	Dept. of Transportation
117	Arts and Cultural Development	Dept. of Executive Services
119	Emergency Medical Services	Dept. of Public Health
121	Surface Water Management	Dept. of Natural Resources and Parks
122	Automated Fingerprint Identification System	Dept. of Public Safety
124	Citizen Councilor Revolving	Auditor
128	Local Hazardous Waste	Dept. of Public Health
129	Youth Sports Facilities Grant	Dept. of Natural Resources and Parks
131	Noxious weed control fund	Dept. of Natural Resources and Parks
134	Development and Environmental Services	Dept. of Development and Environmental Services
137	Clark Contract Administration	Office of Performance, Strategy and Budget
138	Parks Trust and Contribution	Dept. of Natural Resources and Parks
139	Risk Abatement	Office of Performance, Strategy and Budget
145	Parks and Recreation	Dept. of Natural Resources and Parks
156-1	KC Flood Control Operating Contract	Dept. of Natural Resources and Parks
164	Two-Tenths Sales Tax Revenue Receiving	Dept. of Transportation
165	Public Transit Self Insurance	Dept. of Transportation
215	Grants tier 1 fund	Dept. of Executive Services
216	Cultural Resource Mitigation Fund	Office of Performance, Strategy and Budget
309	Neighborhood Parks and Open Space	Dept. of Executive Services
312	HMC Long Range CIP	Dept. of Executive Services
315	Conservation Futures	Dept. of Natural Resources and Parks

Fund No.	Fund Title	Fund Manager
316	Parks, Rec. and Open Space	Dept. of Executive Services
318	Surface and Storm Water Mgmt Const	Dept. of Natural Resources and Parks
320	Public Art Fund	Dept. of Executive Services
322	Housing Opportunity Acquisition	Dept. of Community and Human Services
326	1990 Series B Youth Detention Facility	Dept. of Executive Services
327	Equipment and Building Acquisition	Dept. of Executive Services
329	SWM CIP Construction 1992-1997	Dept. of Natural Resources and Parks
331	Long-Term Leases	Dept. of Executive Services
334	Capital Acqn and County Fac Renovation	Office of Performance, Strategy and Budget
335	Youth Services Facilities Construction	Dept. of Executive Services
338	Airport Construction	Dept. of Transportation
339	Working Forest 1995 B	Dept. of Natural Resources and Parks
340	Park Lands Acquisition 1993	Dept. of Natural Resources and Parks
340-3	Urban Reforestation and Habitat Restoration	Dept. of Natural Resources and Parks
341	Arts and Historic Preservation Capital	Dept. of Executive Services
342	Major Maintenance Reserve	Dept. of Executive Services
343	Core GIS Capital Project	Dept. of Natural Resources and Parks
346	Regional Justice Center Construction	Dept. of Executive Services
347	Emergency Communications System	Dept. of Executive Services
349	Parks Facilities Rehabilitation	Dept. of Executive Services
350	Open Space Acquisition	Dept. of Natural Resources and Parks
357-1	KC Flood Control Capital Contract	Dept. of Natural Resources and Parks
358	Parks Capital Fund	Dept. of Natural Resources and Parks
364-3	Transit Cross-Border Lease Financing Fund	Dept. of Executive Services
368	Real Estate Excise Tax Capital Summary Fund	Dept. of Executive Services
369	Transfer of Development Credits Program (TDC) Fund	Dept. of Natural Resources Parks
377-1	OIRM Capital Fund	Office of Information Resource Management
378	Information and Telecommunications Capital Improvement Fund	Dept. of Executive Services
381	Solid Waste Cap Equip Recovery	Dept. of Natural Resources and Parks
383	Solid Waste Environmental Reserve	Dept. of Natural Resources and Parks
384	Farmland and Open Space Acquisition	Dept. of Natural Resources and Parks
385	Renton Maintenance Fac. Const	Dept. of Transportation
386	County Road Construction	Dept. of Transportation
387	HMC Construction	Dept. of Executive Services
390	Solid Waste Construction	Dept. of Natural Resources and Parks
391	Landfill Reserve	Dept. of Natural Resources and Parks
394	Kingdome CIP	Dept. of Executive Services
395	Building Capital Improvement	Dept. of Executive Services
396	HMC Building Repair and Replacement	Dept. of Executive Services
404	Solid Waste Operating	Dept. of Natural Resources and Parks
429	Airport Operating	Dept. of Transportation
448	Stadium Management	Dept. of Executive Services
453-1	Institutional Network Operating Fund	Dept. of Executive Services
461	Water Quality	Dept. of Natural Resources and Parks
464	Public Transportation	Dept. of Transportation
542	Safety and Workers' Compensation	Dept. of Executive Services
544	Wastewater Equipment Rental and Revolving Fund	Dept. of Transportation

Fund No.	Fund Title	Fund Manager
546	Department of Executive Service Equipment Replacement	Dept. of Executive Services
547	Office of Information Resource Management Operating Fund	Dept. of Executive Services
550	Employee Benefits Program	Dept. of Executive Services
551	Facilities Management	Dept. of Executive Services
552	Insurance	Dept. of Executive Services
557	Public Works Equipment Rental	Dept. of Transportation
558	Motor Pool Equipment Rental	Dept. of Transportation
560	Printing/Graphic Arts Services	Dept. of Executive Services
603	Cultural Resources Endowment	Dept. of Executive Services
622	Judicial Administration Trust and Agency	Dept. of Judicial Administration
624	School District Impact Fee	Office of Performance, Strategy and Budget
674	Refunded Ltd GO Bond Rdmp.	Dept. of Executive Services
675	Refunded Unltd GO Bond	Dept. of Executive Services
676	H&CD Escrow	Dept. of Executive Services
693	Deferred Compensation	Dept. of Executive Services
694	Employee Charitable Campaign Contributions	Dept. of Executive Services
696	Mitigation Payment System	Dept. of Transportation
840	Limited GO Bond Redemption	Dept. of Executive Services
843	DMS Limited GO Bonds	Dept. of Executive Services
851	Stadium GO Bond Redemption	Dept. of Executive Services
890	ULID Assessment - 1981	Dept. of Transportation
1010	Climate Exchange Fund	Office of Performance, Strategy and Budget
1411	Rainy Day Reserve	Office of Performance, Strategy and Budget
1421	Children and Families Services	Dept. of Community and Human Services
1432	Animal Bequest Fund	Dept. of Executive Services
1471	Historical Preservation and Historical Programs Fund	Dept. of Executive Services
1590	Marine Division Operating Fund	Dept. of Transportation
3590	Marine Division Capital Fund	Dept. of Transportation
5490	Business Resource Center Fund	Dept. of Executive Services

B. The following shall also be first tier funds:

1. All funds now or hereafter established by ordinance for capital construction through specific road improvement districts, utility local improvement districts or local improvement districts. The director of the department of transportation shall be the fund manager for transportation-related funds. The director of the department of natural resources and parks shall be the fund manager for utility-related funds.

2. All county funds that receive original proceeds of borrowings made under Chapter 216, Washington Laws of 1982, as now existing or hereafter amended, to the extent of the amounts then outstanding for the borrowings for that fund. For purposes of this subsection, the director of the county department or office primarily responsible for expenditures from that fund shall be the fund manager.

3. Any other fund as the council may hereinafter prescribe by ordinance to be invested for its own benefit. County funds shall be treated as provided in K.C.C. 4.10.110 unless a designation is made by the council. (Ord. 16976 § 1, 2010: Ord. 16960 § 17, 2010: Ord. 16861 § 2, 2010: Ord. 16835 § 2, 2010: Ord. 16337 § 1, 2008: Ord. 16039 § 2, 2008: Ord. 15973 § 3, 2007: Ord. 15968 §. 3, 2007: Ord. 15966 § 3, 2008: Ord. 15955 § 1, 2007: Ord. 15739 § 5, 2007: Ord. 15556 § 2, 2006: Ord. 15551 § 1, 2006: Ord. 15381 § 3, 2006: Ord. 15270 § 1, 2005: Ord. 15078 § 2, 2004: Ord. 14998 § 2, 2004: Ord. 14976 § 3, 2004: Ord. 14811 § 42, 2003: Ord. 14793 § 1, 2003: Ord. 14714 § 7, 2003: Ord. 14596 § 2, 2003: Ord. 14568 § 5, 2003: Ord. 14509 § 28, 2002: Ord. 14509 § 27, 2002: Ord. 14482 § 50, 2002: Ord. 14306 § 2, 2002: Ord. 14227 § 1, 2001: Ord. 14222 § 1, 2001; Ord. 14199 § 34, 2001: Ord. 14190 § 21, 2001: Ord. 14008 § 2, 2000: Ord. 14005 § 8, 2000: Ord. 13895 § 1, 2000: Ord. 13771 § 3, 2000: Ord. 13733 § 17, 2000: Ord. 13722 § 3, 2000: Ord. 13667 § 2, 1999: Ord. 13496 § 1, 1999: Ord. 13325 §§ 5 and 6, 1998: Ord. 13302 § 1, 1998: Ord. 13285 § 1, 1998: Ord. 13283 § 1, 1998: Ord. 12646 § 1, 1997: Ord. 12076 § 9, 1995).

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4.08.020 Airport fund. There is hereby created an airport fund. All receipts from the operation of the King County airport are to be deposited in the airport fund. The fund shall remain intact from year to year, and is pledged to the payment of all operating expenses, both interest and bond redemption of those bonds which were issued for the acquisition, construction or maintenance of the King County airport, and for the payment of all future maintenance, construction or operation of the airport or airport facilities. (Ord. 12076 § 12, 1995).

4.08.025 Second tier funds and designated fund managers. Second tier funds and fund managers are as follows, except to the extent that all or a portion of any listed fund is a first tier fund by virtue of any other provision of this chapter or other ordinance:

Fund No.	Fund Title	Fund Manager
001	Current Expense	Budget Organization in Executive Office
105	River Improvement	Dept. of Natural Resources and Parks
107	Developmental Disabilities	Dept. of Community & Human Services
108	Civil Defense	Dept. of Public Safety
120	Treasurer's O & M	Dept. of Executive Services
126	Alcohol & Substance Abuse Services	Dept. of Community & Human Services
180	Public Health	Dept. of Public Health
182	Inter-County River Improvement	Dept. of Natural Resources and Parks
214	Miscellaneous Grants	Dept. of Executive Services
224	Youth Employment Programs	Dept. of Community & Human Services
246	Community Dev Block Grant	Dept. of Community & Human Services
548	Geographic Information Systems	Dept. of Natural Resources and Parks
553	Computer and Communication Services	Dept. of Executive Services
661	Deceased Effects	Dept. of Executive Services
662	Real Prop Title Assurance	Dept. of Executive Services
663	Treasurer's Prop Tax Refund	Dept. of Executive Services
664	Prop Tax Foreclosure Sale Excess	Dept. of Executive Services
666	Real Prop Advance Tax Collection	Dept. of Executive Services
668	Ad Valorem Tax Refund	Dept. of Executive Services
669	Certificate of Redemption LID assmt.	Dept. of Executive Services
670	Undistributed Taxes	Dept. of Executive Services
672	Cert/redemption Real Prop	Dept. of Executive Services
673	Miscellaneous Tax Distribution	Dept. of Executive Services
677	Property Tax Suspense	Dept. of Executive Services
678	King County Fiscal Agent	Dept. of Executive Services
697	Mailroom Prop Tax Refund	Dept. of Executive Services
698	Miscellaneous Agency	Dept. of Executive Services
699	Assessment Distribution/Refund	Dept. of Executive Services
850	Unlimited GO Bond Redemption	Dept. of Executive Services
1431	Regional Animal Services	Dept. of Executive Services

(Ord. 16976 § 2, 2010: Ord. 16861 § 4, 2010: Ord. 16337 § 2, 2008: Ord. 15381 § 4, 2006: Ord. 14509 § 29, 2002: Ord. 14482 § 51, 2002: Ord. 14270 § 1, 2001: Ord. 14199 § 35, 2001: Ord. 13895 § 2, 2000: Ord. 13326 § 4, 1998: Ord. 12525 § 6, 1996: Ord. 12076 § 10, 1995).

4.08.030 Accounting funds - Creation authority - Ordinance review.

A. The council shall create by ordinance all accounting funds for which the council exercises appropriation authority. The county auditor shall review ordinances that establish such accounting funds for consistency with basic fund classification and accounting principles.

B. The manager of the finance and business operations division may establish accounting funds for which appropriations are not required or which are mandated by state law or regulations and sub-funds and accounts as may be necessary to meet legal, administrative and accounting requirements; provided, that such funds, sub-funds and accounts shall be established consistent with generally accepted accounting principles and requirements established by state law and regulations. For all such funds, sub-funds and accounts, the manager of the finance and business operations division shall be the fund manager unless otherwise provided by ordinance. (Ord. 14199 § 36, 2001: Ord. 12076 § 7, 1995).

4.08.035 Fund manager duties and responsibilities - Delegation. Fund managers, for both first and second tier funds, have the following duties and responsibilities:

A. Each fund manager shall review, determine the appropriateness and approve all expenditures from each fund for which he or she is the designated fund manager.

B. Each fund manager shall inform the manager of the finance and business operations division regarding the availability of funds for investment as provided in K.C.C. chapter 4.10.

C. Each fund manager may delegate part or all of their duties and responsibilities to the following; provided, that to be effective, each delegation shall be in writing identifying the extent and scope of the duties and responsibilities being delegated:

1. Employees subordinate to and in the same department as the fund manager; and

2. Directors or managers in other departments but only for discrete elements or activities related to a fund and for amounts within such fund. (Ord. 14199 § 37, 2001: Ord. 12076 § 11, 1995).

4.08.040 Sewer ULID construction fund. There is created a new fund entitled the "Sewer ULID Construction Fund No. 389." Upon creation of a successful sewer ULID, the Sewer ULID Construction Fund will be reimbursed for any contributions. No project expenditures can be made from the Sewer ULID Construction Fund without an ordinance creating a specific Sewer ULID Construction Fund. (Ord. 14199 § 38, 2001: Ord. 12076 § 11, 1995: Ord. 3521 § 1, 1977).

4.08.045 Landfill reserve fund.

A. Public necessity requires that the existing system of the county for the disposal of solid waste, together with such extensions, additions or betterments thereto as may from time to time be authorized, maintained, conducted, operated and accounted for as a utility of King County. As a financially self-supporting utility, the solid waste system shall set aside reserve moneys for closure, postclosure maintenance, new area development, facility relocation and the improvement, replacement or extension of the life of capital facilities or the acquisition of landfill space outside of King County.

B. There is hereby created a landfill reserve fund for the sole purpose of accumulating and disbursing financial resources for the management and replacement of King County landfills as described in subsection D of this section. The fund shall be a first tier fund. The department of natural resources and parks shall be the fund manager.

C. The executive's proposed annual budget shall specify a per-ton amount, included within the solid waste disposal fees approved by council, that shall be used to fund the landfill reserve fund and an associated transfer from the solid waste fund to the landfill reserve fund. The funds shall be transferred and credited to the landfill reserve fund within thirty-five days of the end of the month in which the solid waste disposal action occurred.

D. All moneys deposited into the landfill reserve fund in accordance with this section shall be appropriated and used only for the management and replacement of King County landfills as follows:

1. Landfill closure and site restoration, including design work.

2. Reserve moneys for postclosure maintenance including but not limited to environmental monitoring, leachate pretreatment, gas extraction and site maintenance.

3. Facility relocation of existing support facilities as existing landfill disposal areas are closed and new areas developed, including design work.

4. New area development to provide new disposal areas within a landfill, including design work.

5. Facilities or programs to improve, replace or extend the life of system capital facilities or to acquire additional landfill space outside of King County. (Ord. 14811 § 7, 2003: Ord. 12764 § 1, 1997: Ord. 12076 § 13, 1995).

4.08.050 Insurance fund.

A. CREATION. There is hereby created an intragovernmental service fund to be known as the insurance fund.

B. PERMISSIBLE USES. Permissible uses of the insurance fund shall be limited to the following:

1. Payment of claims and related costs;
2. Payment of negotiated settlements and related costs;
3. Payment of judgments and related costs;
4. Payment of costs incurred in litigation or in anticipation thereof, including but not limited to attorney's fees and the costs of discovery and witnesses;
5. Payment of insurance premiums and related costs;
6. Payment of program administration costs.

C. REVIEW. The operation of the insurance fund shall be reported and reviewed semi-annually on or about March 31st and August 31st with the appropriate committee of the council. The report shall include the amounts of all expenditures made from the insurance fund, settlements by insurance carriers in behalf of the county, and all moneys recovered by the risk manager or civil division for recovery of losses. Expenditures for claims, negotiated settlements, insurance settlements, judgments, litigation and their related costs and costs of recovery, unrecovered losses and recovered moneys shall be individually identified. (Ord. 8428 § 2, 1988: Ord. 3581 § 3, 1978).

4.08.055 Risk abatement fund. There is hereby established the risk abatement fund. This fund shall be a first tier fund managed by the office of performance, strategy and budget. The fund shall be used to process administrative and related costs associated with fund activity. (Ord. 16960 § 18, 2010: Ord. 14596 § 1, 2003).

4.08.056 Rainy day reserve fund.

A. There is hereby created the rainy day reserve fund for the purpose of accumulating revenues to be available for emergencies, as defined in subsection B. of this section. This fund shall be a first tier fund, fully invested for its own benefit. The director of the office of performance, strategy and budget shall be the fund manager.

B. The rainy day reserve fund shall be used in the event of an emergency, as declared by a vote of the county council for the following purposes:

1. Maintenance of essential county services in the event that current expense fund revenue collections in a given fiscal year are less than ninety-seven percent of adopted estimates;
2. Payment of current expense fund legal settlements or judgments in excess of the county's ability to pay from other sources;
3. Catastrophic losses in excess of the county's other insurances against such losses; and
4. Other emergencies, as determined by the council. (Ord. 16960 § 19, 2010: Ord. 15961 § 1, 2007).

4.08.057 Climate Exchange fund.

A. There is hereby created the Climate Exchange fund, classified as a special revenue fund, for the purpose of accounting for any revenue generated by the sale of carbon credits and other emission credits, and the expenditures incurred for the purchase of carbon credits or other emission credits, in accordance with the rules of the Chicago Climate Exchange or other emissions trading programs in which the county may participate. Carbon credits include but are not limited to those credits sold or purchased through the Chicago Climate Exchange. This fund may also be used for the purpose of accounting for the sale or purchase of other emission credits as the county may develop.

B. Any financial benefit that accrues to the county from its participation in the Chicago Climate Exchange shall be appropriately invested in actions that either reduce carbon emissions address global warming impacts, or both.

C. The office of performance, strategy and budget shall be the fund manager for the Climate Exchange fund.

D. For investment purposes, the Climate Exchange fund shall be considered a first tier fund. (Ord. 15556 § 3, 2006).

4.08.058 Business resource center fund. There is hereby created the business resource center fund, classified as an internal service fund for the purpose of accounting for financial resources for the full costing of operating, the fund shall be a first tier fund as described in this chapter. The manager of the business resource center shall be the manager of the fund. All earnings from interest and investments shall be deposited and credited to the fund. For the purpose of this section, "full costing" means all costs associated with operation, maintenance, rental, repair, replacement, central service cost and department overhead allocation. (Ord. 16976 § 3, 2010).

4.08.060 Employee benefits program fund.

A. There is hereby created an Employee Benefits Program fund. This fund shall be a first tier fund as described in K.C.C. 4.08. The Employee Benefits Program fund shall be used for the receipt and disbursement of moneys related to the dental, medical, life, and disability insurance claims, and other benefit plans of county employees, including the costs of administration.

B. Premium rates for the Employee Benefits Program fund shall be established such that sufficient revenues shall accrue to the fund to pay for the cost of each program's functions and all indirect costs allocated to that program, as determined by the director of the department of finance, and such that the cost of the program shall be borne by the participants of the program. Such rates shall take into consideration, but need not be limited to, the following factors: dental, medical, life insurance, and other benefit programs premium and administrative costs; claims reimbursement costs; county indirect costs; self-insured loss stabilization reserves; and income earned from the investment of idle cash.

C. The fund manager as designated in K.C.C. 4.08 is hereby authorized to charge each county department and agency, at the end of each fiscal month, a sum of money that represents the number of employees of that department and agency covered by an employer-paid benefit plan that month times the monthly premium established for that plan. The fund manager is also hereby authorized to charge county employees, retired employees and others, at the end of each fiscal month, a sum of money that represents the monthly premium established for the program for which the person(s) is/are enrolled.

D. The Employee Benefits Program fund shall seek to maintain an excess of assets over liabilities for each of the benefit programs accounted for by the fund. (Ord. 12076 § 14, 1995).

4.08.065 Enhanced 911 emergency telephone system fund.

A. There is hereby created an Enhanced 911 Emergency Telephone System Fund.

B. The Enhanced 911 emergency telephone system fund shall be used for the receipt and disbursement of revenues related to the provision of an enhanced 911 emergency telephone system in King County. (Ord. 5868 §§ 1-2, 1982).

4.08.070 King County worker's compensation fund.

A. There is hereby established, under the provisions of Chapter 51.14 RCW, a self insurance reserve fund which shall be known as the King County Worker's Compensation Fund. Said fund shall serve as the depository and serving account of funds necessary to fulfill those purposes contained in Chapter 51.14 RCW.

B. This fund is intended to collect and disburse moneys to carry out the functions of the Safety and Worker's Compensation program, and funds shall not be attached for other purposes, unless such action is expressly approved by the council.

C. Industrial insurance rates shall be established such that sufficient revenues shall accrue to the fund to pay for the cost of the program functions and to maintain an excess of current and other assets over liabilities, excluding estimated claims settlements. Such rates shall take into consideration, but need not be limited to the following factors: past losses for each industrial insurance classification, the number of hours worked in each classification, and estimated claims settlements for injury claims.

D. The manager of the human resources management division is hereby authorized to transfer from the budget of each county department and agency at the end of each fiscal quarter a sum of money that represents the amount of money previously budgeted for payment of state industrial insurance.

E. The executive is hereby authorized to obtain for the county whatever bond is required by law to become a self-insurer under chapter 51.14 RCW.

F. It is intended that the policies contained in this chapter be applied to the Worker's Compensation Fund beginning in 1982.

G. The fund shall seek to maintain an excess of current and other assets over liabilities, excluding estimated claims settlements, equal to or greater than the sum of each individual reserve established for all injury claims on file as estimated by the manager of the human resource management division. Any funds accumulated beyond this requirement may be applied in establishing industrial insurance rates. (Ord. 14199 § 39, 2001: Ord. 12076 § 15, 1995).

4.08.082 Parks and recreation fund.

A. There is hereby created the parks and recreation fund, classified as a special revenue fund, for the purpose of accounting for the following:

1. The proceeds of the property tax levy approved by the voters of King County on May 20, 2003, under Ordinance 14586, in excess of the levy limitation contained in chapter 84.55 RCW and other revenue for the park and recreation purposes outlined in subsection A.1.a. and b. of this section. The four-year levy commencing in 2004 has been approved by the voters for the express purpose of paying costs associated with:

a. The continued and increased operation and maintenance of King County's regional and rural parks; and

b. Up to three hundred thousand dollars of annual funding for recreation grant programs, as prescribed in Ordinance 14586;

2. The proceeds of the property tax levy approved by the voters of King County on August 21, 2007, under Ordinance 15759, in excess of the levy limitation contained in chapter 84.55 RCW and other revenue for the park and recreation purposes outlined in subsection A.2. a., b. and c. of this section. In accordance with Ordinance 15759, Section 4, the levy proceeds shall be deposited in a levy subfund of the parks and recreation fund, or its successor. The six-year levy commencing in 2008 was approved by the voters for paying costs associated with the following eligible purposes:

a. The continued and increased operations and maintenance of King County’s regional and rural parks;

b. Program improvements to provide increased accessibility for the disabled; and

c. To provide up to three hundred thousand dollars annually for recreation grant programs;

3. The proceeds of the property tax levy approved by the voters of King County on August 21, 2007, under Ordinance 15760, in excess of the levy limitation contained in chapter 84.55 RCW. Of the proceeds designated for distribution to King County cities and the zoo, a reasonable portion shall be retained by the county to be used for expenditures related to administration of the distribution of levy proceeds. In accordance with Ordinance 15760, Section 4, the proceeds of the six year property tax levy shall be deposited in a dedicated subfund of the parks and recreation fund, or its successor. The six-year levy commencing in 2008 has been approved by the voters for paying costs associated with the following eligible purposes as follows.

a. sixty percent for King County's acquisition of open space and natural lands critical to the preservation of regional watersheds and streams, for acquisition and development of rights of way for regional trails, with primary consideration given to those projects that address health disparities/health inequities as recognized in the Health of King County 2006 report and are consistent with the Regional Trails Plan including acquisition of missing critical links and/or maximization of regional trail use, and for repayment of costs, including principal and interest, associated with interim financing following approval of the levy, and to provide up to five hundred thousand dollars annually for capital funding of recreation grant programs. The moneys to be used for the purposes of this subsection A.1.a. shall be deposited in the parks capital fund created under K.C.C. 4.08.083;

b. twenty percent for distribution to cities in King County of which fifty percent shall be distributed based on city population, and of which fifty percent shall be distributed based on the assessed value of parcels within a city for city projects; and

c. twenty percent for Woodland Park Zoo projects; and

4. Any annual transfer from the current expense fund and other revenue to support the costs of operating local parks in the Urban Growth Area.

B. The fund shall be managed in such a way as to distinguish levy revenues, business revenues and current expense revenues, as well as regional and rural operating expenditures, community grant program expenditures and Urban Growth Area expenditures.

C. The department of natural resources and parks shall be the fund manager for the parks and recreation fund.

D. For investment purposes, the parks and recreation fund shall be considered a first tier fund. (Ord. 15966 § 1, 2007: Ord. 14793 § 2, 2003).

4.08.083 Parks capital fund.

A. There is hereby created the parks capital fund, classified as a capital fund, for the purpose of budgeting the King County portion of the proceeds of the property tax levy deposited in the fund in accordance with K.C.C. 4.08.082.A.3.a., for the purposes described in subsection B. of this section and other moneys for capital parks and recreation purposes.

B. 1. The levy moneys in the fund shall be used for any of the following eligible purposes: King County's acquisition of open space and natural lands critical to the preservation of regional watersheds and streams, for acquisition and development of rights of way for regional trails, with primary consideration given to those projects that address health disparities and health inequities as recognized in the Health of King County 2006 report and are consistent with the Regional Trails Plan including acquisition of missing critical links and/or maximization of regional trail use, and for repayment of costs, including principal and interest, associated with interim financing following approval of the levy, and to provide up to five hundred thousand dollars annually for capital funding of recreation grant programs.

2. Any other moneys deposited in the fund shall be used for capital parks and recreation purposes.

C. The moneys in the fund from the levy approved under Ordinance 15760 shall be used solely for the designated purposes and shall not supplant existing funds used for those purposes.

D. The fund shall be managed in such a way as to distinguish levy revenues from any other revenues in the fund.

E. The department of natural resources and parks shall be the fund manager for the fund.

F. For investment purposes, the parks capital expansion fund shall be considered a first tier fund. (15966 § 2, 2007).

4.08.085 Conservation futures fund. There is hereby created the conservation futures fund, which shall be used for the purposes of K.C.C. chapter 26.12. The fund is a first tier fund as defined in K.C.C. 4.08.005. The department of natural resources and parks shall be the fund manager. All conservation futures tax levy funds shall be deposited in the fund. The definitions in K.C.C. 26.12.003 apply to this section. (Ord. 14714 § 3, 2003).

4.08.090 Park facilities rehabilitation fund. A new capital fund is hereby created entitled Park Facilities Rehabilitation Fund, providing for the receipt of revenues and disbursement of expenditures for park rehabilitation. Cash balances in said fund not needed for immediate expenditure shall be invested for the benefit of the fund, pursuant to the first paragraph of RCW 36.29.020, and such procedures and limitations contained in county ordinance. Such investments shall not negate or affect the authority of the manager of the finance and business operations division, under the guidance of the executive finance committee, to include the retained cash balance in the fund as part of the residual treasury cash invested under the second paragraph of RCW 36.29.020, as now or hereafter amended, for the benefit of the county Current Expense Fund. (Ord. 14199 § 40, 2001: Ord. 12076 § 16, 1995).

4.08.095 Parks trust and contribution fund. There is hereby created the parks trust and contribution fund. The fund shall be a first tier fund as described in this chapter. The parks and recreation division manager shall be the manager of the fund. All receipts and earnings from gifts, bequests and donations shall be deposited and credited to the fund. The fund may only be used for parks and recreation purposes. (Ord. 14509 § 31, 2002).

4.08.100 Surface and storm water construction fund. A new capital fund is hereby created entitled Surface and Storm Water Construction Fund, providing for the receipt of revenues and the disbursement of expenditures for construction, engineering, planning, acquisition of land, and other related costs for the acquisition and development of drainage control facilities. Cash balances in said fund not needed for immediate expenditure shall be invested for the benefit of the fund, pursuant to the first paragraph of RCW 36.29.020, and such procedures and limitations contained in county ordinance. Such investments shall not negate or affect the authority of the manager of the finance and business operations division, under the guidance of the executive finance committee, to include the retained cash balance in the fund as part of the residual treasury cash invested under the second paragraph of RCW 36.29.020, as now or hereafter amended, for the benefit of the county Current Expense Fund. (Ord. 14199 § 41, 2001: Ord. 12076 § 17, 1995).

4.08.110 Building capital improvement fund.

A. There is hereby created a new county fund entitled building capital improvement fund. This fund shall be a first tier fund as described in K.C.C. chapter 4.08 and the first paragraph of RCW 36.29.020.

B. The purpose of the fund is to provide for the receipt and disbursement to appropriate capital funds of revenues used to accommodate major functional and programmatic changes in buildings, building modernization or building replacement.

C. Annually, the building capital improvement fund program plan shall include a full itemization of all candidate projects for the ensuing budget year. The plan shall include proposed funding sources for each project on this list. The executive shall report annually to the council on the status of scope, schedule and expenditures for all identified projects. All projects administered through this fund shall be included in the building reports described in K.C.C. 4.08.250D.5. (Ord. 14230 § 2, 2001: Ord. 14199 § 42, 2001: Ord. 12076 § 18, 1995).

Reviser's note: This section was amended by Ordinance 14199 § 42 and Ordinance 14230 § 2, each without reference to the other. Both amendments are incorporated in the publication of this section under K.C.C. 1.02.090.

4.08.130 Northshore park and recreation service area. The manager of the finance and business operations division is directed to serve as the treasurer of the Northshore Park and Recreation Service Area (PRSA) and to perform the functions designated in RCW 36.68.500 et seq. A local service area fund shall be established in the department of executive services for the Northshore PRSA to be called the "Northshore PRSA Fund", which shall be managed as set forth in RCW 36.68.510. (Ord. 14199 § 43, 2001: Ord. 12076 § 19, 1995).

4.08.140 Enumclaw parks and recreation service area. The manager of the finance and business operations division is directed to serve as the treasurer of the Enumclaw PRSA and to perform the functions designated in RCW 36.68.500 et seq. A local service area fund shall be established in the department of executive services for the Enumclaw PRSA to be called the "Enumclaw PRSA Fund", which shall be managed as set forth in RCW 36.68.510. (Ord. 14199 § 44, 2001: Ord. 12076 § 20, 1995).

4.08.150 Local hazardous waste fund.

A. There is hereby established a Local Hazardous Waste Fund for the sole purpose of accumulating and disbursing financial resources for the implementation of the Local Hazardous Waste Management Program as described in the Local Hazardous Waste Management Plan for Seattle-King County.

B. The King County board of health and/or its designated representative shall be responsible for the administration of the Local Hazardous Waste Fund including the preparation and issuance of operating procedures deemed necessary to insure the proper administrative implementation of the policies governing the purpose and use of the fund.

C. The Local Hazardous Waste Fund shall be classified as a first tier fund. All amounts designated by the board within the rate structure of the fee system as earmarked for the Local Hazardous Waste Fund shall be collected as prescribed by the rate structure. These earmarked funds shall be transferred and credited to the Local Hazardous Waste Fund within thirty-five (35) days of the end of the quarter in which the solid waste and/or sewage disposal action occurred.

D. All earnings derived from specific investment of funds accumulated in the Local Hazardous Waste Fund shall be deposited and credited to the Local Hazardous Waste Fund.

E. King County indirect overhead cost allocation charges shall not be levied directly against this fund. (Ord. 9948, 1991).

4.08.160 Solid waste environmental reserve fund. There is hereby created the Solid Waste Environmental Reserve Fund. The Solid Waste Environmental Reserve Fund shall be classified as a Capital Improvement Fund. The Solid Waste Environmental Reserve Fund shall be a first tier fund as described in K.C.C. 4.08. Uses of the Solid Waste Environmental Reserve Fund monies shall be limited to remediation costs related to active and closed solid waste handling facilities which the department of natural resources owns or has custodial responsibility for and to costs related to inverse condemnation claims that result from solid waste activities. (Ord. 12076 § 21, 1995).

4.08.170 Surface water management (SWM) CIP construction fund. There is hereby created the SWM CIP Construction Fund. The SWM CIP Construction Fund shall be classified as a Capital Improvement Fund and shall be a first tier fund as described in K.C.C. 4.08. Uses of the SWM CIP Construction Fund shall be for the purposes of providing for the construction of capital facilities related to surface and stormwater management. (Ord. 12076 § 22, 1995).

4.08.185 Public art fund. There is hereby created the public art fund to provide for the receipt of revenues and the disbursement of expenditures for the selection, acquisition and display of public artwork. The fund shall be a first tier fund as described in this chapter. The department of executive services shall be the fund manager. The fund shall be used for the purposes in K.C.C. chapters 2.46 and 4.40. (Ord. 14482 § 52, 2002).

4.08.190 Arts and cultural development fund.

A. The King County arts and cultural development fund shall be a special revenue fund to receive and transfer to the cultural development authority a variety of revenues including, but not limited to, current expense revenues, hotel-motel tax revenues and public art revenues.

B. For investment purposes, the King County arts and cultural development fund shall be considered a first tier fund.

C. The arts and cultural development fund shall be managed by the department of executive services.

D. Revenues deposited in the King County arts and cultural development fund shall be transferred to the cultural development authority in accordance with K.C.C. 2.49.170.

E. Appropriation of funds to the King County arts and cultural development fund for the public art program shall be made annually consistent with the county's six-year capital improvement program plan and in accordance with the calculation basis described in K.C.C. chapter 4.40. Public art revenues appropriated to the King County arts and cultural development fund and transferred to the cultural development authority shall be used only for the purposes established in K.C.C. chapter 4.40 and shall be subject to K.C.C. chapters 2.46 and 4.40.

F. Hotel-motel tax revenues collected by the county under RCW 67.28.180(3)(a) shall be appropriated to the arts and cultural development fund and transferred to the cultural development authority, and shall be used only for the purposes established in K.C.C. chapter 4.42 and shall be subject to K.C.C. chapter 2.48 and 4.42. (Ord. 14482 § 54, 2002: Ord. 14440 § 1, 2002: Ord. 12076 § 24, 1995).

4.08.195 Cultural resources endowment fund.

A. There is hereby created the cultural resources endowment fund for the purpose of receiving and holding a portion of the hotel-motel tax revenues collected in King County, as prescribed in K.C.C. 4.08.190 and, through December 31, 2012, K.C.C. 4.42.025D.

B. The cultural resources endowment fund shall be a first tier fund.

C. The director of the department of executive services shall act as fund manager.

D. At least forty percent of the hotel-motel funds distributed to the arts and cultural development fund for the period January 1, 2001, through December 31, 2002, shall be deposited in the cultural resources endowment fund, with the principal remaining permanent and irreducible. (Ord. 14482 § 55, 2002: Ord. 14433 § 2, 2002).

4.08.197 Cultural resource mitigation fund.

A. There is hereby created the cultural resource mitigation fund, which is to be used for all costs associated with mitigating adverse impacts to cultural resources on or offsite, except to the extent that expenditures may be restricted by legally constrained funding sources or binding agreements regarding mitigation for specific projects. Where not otherwise restricted by the conditions of their establishment, fund mitigation projects shall follow guidelines adopted by the King County landmarks commission consistent with the purposes and conditions entailed in mitigation agreements and in Ordinance 15270 and in K.C.C. chapter 20.62. Moneys designated for cultural resource mitigation from all sources, including but not limited to mitigation required under Section 106 of the National Historic Preservation Act, K.C.C. chapter 20.44, state Environmental Policy Act and other permits, agreements or means, may be deposited into the fund

B. The King County historic preservation officer or his designated representative shall be responsible for the administration of the fund including the preparation and issuance of operating procedures deemed necessary to ensure the proper administrative implementation of the policies governing the purpose and use of the fund. The operating procedures shall be approved by the King County landmarks commission before any expenditure.

C. All earnings derived from specific investment of funds accumulated shall be deposited and credited to the existing fund balance if required by the mitigation agreement. (Ord. 15270 § 2, 2005).

4.08.199 Historical preservation and historical programs fund. There is hereby created the King County historical preservation and historical programs fund to provide for the receipt of revenues and the disbursement of expenditures of the one dollar surcharge to promote historical preservation or historical programs as allowed under RCW 36.22.170. The fund shall be a first tier fund as described in this chapter. (Ord. 16835 § 1, 2010).

4.08.210 Landfill post-closure maintenance fund.

A. There is hereby created a Landfill Post-Closure Maintenance Fund. The fund balance may be used for all costs associated with landfill post-closure maintenance operations at county owned landfills, and all operations and maintenance costs related to closed solid waste disposal sites or handling facilities which the King County solid waste division owns or has custodial responsibility for.

B. The director of the department of natural resources and parks shall be responsible for the administration of the Landfill Post-Closure Maintenance Fund including the preparation and issuance of operating procedures deemed necessary to ensure the proper administrative implementation of the policies governing the purpose and use of the fund.

C. The Landfill Post-Closure Maintenance Fund shall be classified as a Special Revenue Fund. Monies collected in the Landfill Reserve Fund for landfill post-closure maintenance for landfills operated by King County shall be transferred into the Landfill Post-Closure Maintenance Fund at the time each landfill is closed. At such time as a landfill is closed, the executive shall present to the council an ordinance appropriating funds designated for its post-closure maintenance from the Landfill Reserve Fund to the Landfill Post-Closure Maintenance Fund, and appropriating from the Landfill Post-Closure Maintenance Fund monies for post-closure maintenance.

D. All earnings derived from specific investment of funds accumulated in the Landfill Post-Closure Maintenance Fund shall be deposited and credited to the existing Landfill Post-Closure Maintenance Fund balance.

E. The executive is hereby authorized to establish and activate a new Special Revenue Fund entitled "Landfill Post-Closure Maintenance Fund" for the purpose described in paragraph A of this section and in accordance with the specific policies contained in paragraphs B, C, and D of this section. (Ord. 14199 § 45, 2001: Ord. 12764 § 2, 1997: Ord. 12076 § 25, 1995).

4.08.220 Youth sports facilities grant fund. There is hereby created the Youth Sports Facilities Grant Fund. This fund shall be a first tier fund as described in K.C.C. 4.08. Funds from the Youth Sports Facilities Grant Fund shall be made available to develop, renovate or repair sports facilities primarily serving persons under 21 years of age in low and moderate income communities within King County via an annual request-for-proposal process integrated as much as possible with the community development block grant program. A sports facility is defined as any structure or field that is intended to be used primarily for athletic purposes. Administrative costs shall be minimized and leveraging of funds from other sources encouraged. ([Ord. 14015 § 1, 2000, expired January 1, 2002]: Ord. 12076 § 26, 1995).

4.08.230 Real estate excise tax, number 2 fund. There is hereby created a new county fund entitled Real Estate Excise Tax, Number 2 Fund. This fund shall be a first tier fund as described in K.C.C. 4.08. (Ord. 12076 § 27, 1995).

4.08.235 Housing opportunity acquisition fund. There is hereby established a housing opportunity acquisition fund, a capital improvement fund, designated as fund no. 322. This fund shall be a first tier fund as described in K.C.C. 4.10.010. The planning and community development division manager shall be the fund manager.

The purpose of the fund is to acquire, renovate and/or construct housing for low-income families, seniors at risk of displacement and homelessness, homeless individuals and persons with special housing needs by securing a property interest in each project. Real estate excise tax will be used to support the fund. (Ord. 9694 § 1, 1990: Ord. 9368 §§ 1-2, 1990).

4.08.240 School district impact fee fund.

A. There is hereby created a School District Impact Fee fund. This fund shall be a first tier fund as described in K.C.C. 4.08. This fund shall be a non-budgeted Agency Fund.

B. The School District Impact Fee Fund shall be used for the receipt and disbursement of fees authorized by the State of Washington Growth Management Act of 1990 and 1992, RCW 36.70A and RCW 82.02 and implemented by Ordinances 9785 and 10162. The School District Impact Fee Fund will be administered under the terms of interlocal agreements between the county and each school district for which an impact fee schedule has been adopted by the council. (Ord. 12076 § 28, 1995).

4.08.250 Major maintenance reserve fund.

A. There is hereby created the major maintenance reserve fund. This fund shall be a first tier fund as described in this chapter and the first paragraph of RCW 36.29.020. The manager of the facilities management division shall be the fund manager.

B. The purpose of the major maintenance reserve fund is to provide for the periodic replacement of major building systems and components at King County facilities maintained by the facilities management division so that each building will realize its full useful life. Expenditures from this fund shall not be used for routine maintenance and shall not be used to finance unique program infrastructure investments. Unique program infrastructure investments shall be financed from other appropriate funding sources but may be combined with work financed by the major maintenance reserve fund. For the purposes of this section, "unique program infrastructure investments" means those capital expenses unique to a specific building user that are not necessary to maintain the usability and maintenance standard for the building. Historic preservation and restoration projects shall be eligible for funding from the major maintenance reserve fund, but the amount needed for periodic replacement of major building systems and components necessary for a building to realize its full useful life should be prioritized ahead of historic preservation and restoration projects, except where combining projects eligible for major maintenance reserve funds would achieve a cost savings. Any historic preservation or restoration project analysis should consider the scheduling impact to other major maintenance projects and potential revenue sources other than the major maintenance reserve fund.

C. Major maintenance program costs are funded by the major maintenance reserve fund. The calculation of the amount necessary to finance the major maintenance reserve fund program is based on the building-specific per-square-foot charge corresponding to the mix of building systems and components and life cycle costs assumptions as determined by the financial model. The financial model shall include tenant area finishes to include carpet and paint. The major maintenance reserve fund shall be fully funded based on the financial model and funding requirements shall be fulfilled by:

1. A transfer of undesignated fund balances in the sales tax reserve contingency fund in excess of fifteen million dollars;

2. Transfers that are contributions from the current expense fund;

3. Transfers that are contributions from the non-current expense fund agencies:

a. when housed in buildings owned by King County or for which the county is responsible for debt service costs; and

b. for a proportional allocation of major maintenance reserve fund costs attributable to space occupied by current expense agencies included in the overhead cost allocation outlined in K.C.C. 4.04.045;

4. Contributions from the operating budgets of current expense agencies that receive partial reimbursement from other jurisdictions; and

5. Other revenue sources, including investment earnings. (Ord. 16272 § 1, 2008: Ord. 14743 § 9, 2003: Ord. 14230 § 1, 2001: Ord. 12076 § 29, 1995).

4.08.265 Metropolitan services funds created.

A. There is hereby established a Water Quality Fund as a first-tier fund. The Water Quality Fund shall account for the water quality enterprise. This fund shall include the following accounts:

1. Water Quality Operating Account, previously known as the “Municipality of Metropolitan Seattle Sewer Revenue Fund,” created by Resolution No. 7, adopted by the council of the Municipality of Metropolitan Seattle on November 26, 1958;

2. Water Quality Construction Account, previously known as the “Municipality of Metropolitan Seattle Sewer Construction Fund,” created by
Section 9 of Resolution No. 90, adopted by the council of the Municipality of Metropolitan Seattle on May 18, 1961.

3. Water Quality Revenue Bond Account, previously known as the "Municipality of Metropolitan Seattle Sewer Revenue Bond Fund," created by Section 10 of Resolution No. 90 of the council of the Municipality of Metropolitan Seattle.

4. Water Quality General Obligation Bond Account, previously known as the "Water Quality Limited Tax General Obligation Bond Fund," created by of Ordinance 11241, Section 8.

5. Second Water Quality Construction Account, previously known as the "Second Water Quality Construction Fund," created by of Ordinance 11241, Section 13.

Restrictions on these accounts shall be the same as were previously established by Resolutions No. 7 and 90 of the council of the Municipality of Metropolitan Seattle and Ordinance 11241. Balances that were previously held in these funds shall be continued in these accounts.

B. There is hereby established a Public Transportation Fund as a first-tier fund. The Public Transportation Fund shall account for the public transportation enterprise. This fund shall include the following accounts:

1. Public Transportation Operating Account, previously known as the "Municipality of Metropolitan Seattle Public Transportation Revenue Fund," created by Resolution No. 936, adopted by the council of the Municipality of Metropolitan Seattle on June 1, 1967;

2. Public Transportation Construction Accounts, previously known as the "Municipality of Metropolitan Seattle Public Transportation Construction Fund," created by Resolution No. 2209, adopted by the council of the Municipality of Metropolitan Seattle on October 17, 1974.

3. Two-tenths Sales Tax Revenue Receiving Fund, previously known as the "Municipality of Metropolitan Seattle Two-tenths Sales Tax Revenues Receiving Fund," to account for the receipt of the two-tenths percent sales tax as required by Resolution No. 4937, adopted by the council of the Municipality of Metropolitan Seattle on June 19, 1986.

4. Limited Sales Tax General Obligation Fund, previously known as the "Municipality of Metropolitan Seattle Limited Sales Tax General Obligation Bond Fund," to account for debt service on the limited sales tax general obligation bonds of the public transportation enterprise, as provided in Resolution No. 4937 of the council of the Municipality of Metropolitan Seattle.

Restrictions on these accounts shall be the same as were previously established by Metro Resolutions Nos. 936, 2209, and 4937. Balances that were previously held in these funds shall be continued in these accounts. (Ord. 12076 § 30, 1995).

4.08.270 GIS core project fund.

A. There is hereby created the King County GIS Core Project Fund. This capital fund shall be a first tier fund as described in K.C.C. 4.08.

B. Funds deposited in the King County GIS Core Project Fund shall be made available for the purpose of developing a core geographic information system for the county. Funds shall be used for the acquisition of equipment, maintenance of software and hardware licenses, and preparation of necessary geographic information system data bases. (Ord. 12076 § 31, 1995).

4.08.275 Geographic information systems fund.

A. There is hereby created the geographic information systems fund, classified as a internal service fund, for the purpose of accounting for financial resources for the full costing of operating, maintaining and enhancing automated geographic information systems that serve both county agencies and external customers. For the purpose of this section, “full costing” means all costs associated with operation, maintenance, rental, repair, replacement, central service cost and department overhead allocation.

B. Budget authority for staff and associated operating expenses incurred in managing the county’s central geographic information systems shall be transferred from the information and telecommunications services fund data processing subfund to the new geographic information systems fund in the county’s 2002 Annual Budget. Ownership of the equipment used to support the county’s centralized geographic information systems is hereby transferred to the geographic information systems fund.

C. The department of natural resources and parks shall be the fund manager and shall establish charges to recover full costing for geographic information systems fund services and operations.

D. Annual appropriations of revenues, beginning in 2002, shall be included in the budgets of those agencies and funds either benefiting from the centralized geographic information systems or receiving services from staff budgeted in geographic information systems fund, or both, which revenues shall be transferred to geographic information systems fund monthly. (Ord. 14270 § 2, 2001).

4.08.280 Solid waste capital equipment recovery fund.

A. There is hereby created a Solid Waste Capital Equipment Recovery Fund for the sole purpose of accumulating financial resources for the replacement of and major maintenance in lieu of purchase to replace solid waste rolling stock and stationary compactors purchased in 1979 and subsequent years on a timely and economic basis.

B. The director of the department of natural resources and parks will be responsible for the administration of the Capital Equipment Recovery Fund including the preparation and issuance of operating procedures deemed necessary to insure the proper administrative implementation of the policies governing the purpose and use of the fund.

C. The Solid Waste Capital Equipment Recovery Fund shall be classified as a capital fund. Establishment of annual and carry-over budgets against this fund, beginning in 1982, shall be in compliance with existing capital improvement programming guidelines and capital improvement budgeting procedures including subsequent changes and/or revisions to same.

D. Annual appropriations of solid waste user fee revenues, beginning 1981, shall be included in the solid waste operating budget for transfer to the Solid Waste Capital Equipment Recovery Fund to finance the replacement of and major maintenance in lieu of purchase to replace existing solid waste rolling stock and stationary compactors in future years. This annual appropriation shall be sufficient to maintain adequate replacement and major maintenance reserves. Transfers from the operating budget to the recovery fund will be made monthly.

E. All earnings derived from specific investment of funds accumulated in the Solid Waste Capital Equipment Recovery Fund shall be deposited and credited to the Solid Waste Capital Equipment Recovery Fund. Receipts derived from the future sale of surplus solid waste equipment items for salvage values shall also be deposited in the Solid Waste Capital Equipment Recovery Fund. (Ord. 14199 § 46, 2001: Ord. 12076 § 32, 1995).

4.08.290 Construction and facilities management internal service fund. There is hereby adopted and approved the creation of the Construction and Facilities Management Internal Service Fund. The Construction and Facilities Management Internal Service Fund shall be classified as a first tier fund as described in K.C.C. 4.10.010. The manager of the facilities management division shall be the fund manager. Uses of the fund shall be for the purposes of providing building operations, building maintenance, capital project construction and management, major building repair and renovation, building security, and public information with respect to county facilities. (Ord. 14199 § 47, 2001: Ord. 11591 § 1, 1994).

4.08.295 Radio communications services operating fund and radio communications services construction fund.

A. There is hereby created a Radio Communications Services Operating Fund and a Radio Communications Services Construction Fund. These funds shall be first tier funds as described in K.C.C. 4.10.020. The manager of the information and telecommunications services division shall be the fund manager.

B. The purpose of the Radio Communications Services Operating Fund is to provide for the revenues and operations of the radio communications services enterprise and to provide for the receipt and disbursement of revenue reserved for replacement of radios. The purpose of the Radio Communications Services Construction Fund is to provide for the receipt and disbursement of revenue reserved for implementation of the Capital Improvement Program administered by the radio communications services section. (Ord. 14199 § 48, 2001: Ord. 12144 §§ 1, 2, 1996).

4.08.296 Department of executive services information technology equipment replacement fund.

A. There is hereby created a department of executive services information technology equipment replacement fund. This fund shall be a first tier fund as described in this chapter. The county administrative officer of the department of executive services or his or her designee shall be the fund manager.

B. The purpose of the department of executive services equipment replacement fund is to account for revenues and expenditures for the full costing of replacing information technology hardware and software and other information technology equipment used by department of executive services agencies. (Ord. 15078 § 1, 2004).

4.08.297 Information and telecommunications capital improvement fund.

A. There is hereby created an information and telecommunications capital improvement fund, designated as fund number 378-1. The fund shall be a fist tier fund as defined in K.C.C. 4.08.005. The manager of the information and telecommunications services division shall be the fund manager.

B. The purpose of the information and telecommunications capital improvement fund is to account for the assets, liabilities, revenues, and expenditures of information technology capital projects managed by the information and telecommunications division. (Ord. 14199 § 49, 2001: Ord. 14008 § 1, 2000).

4.08.298 Office of information resource management operating fund.

A. There is hereby created the office of information resource management operating fund, which shall be a first tier fund as defined in K.C.C. 4.08.005. The chief information officer shall be the fund manager.

B. The purpose of the office of information resource management operating fund is to account for the assets, liabilities, revenues and expenditures pertaining to the operations of the office of information resource management, including the chief information officer, the strategic planning office and the project management office. (Ord. 14005 § 7, 2000).

4.08.299 Office of information resource management capital fund.

A. There is hereby created the office of information resource management capital fund for the purpose of supporting the county's financial management for capital technology projects identified by the project review board.

B. For investment purposes the office of information resource management capital fund shall be considered a first-tier fund as described in this chapter, with all interest earnings to be credited back to the fund.

C. The chief information officer of the office of information resource management shall be responsible for the administration of the fund and shall act as fund manager.

D. Moneys expended from this fund shall be appropriated and used only for those purposes specified with the project or projects appropriation. (Ord. 14306 § 1, 2002).

4.08.300 Public health fund. There is hereby created a Public Health Fund into which shall be deposited revenues from all sources budgeted for the department of public health and from which shall be paid all expenditures and disbursements for the department, except to the extent revenues, expenditures and disbursements for the department are otherwise provided for by ordinance. (Ord. 12525 § 7, 1996).

4.08.305 Wastewater equipment rental and revolving fund.

A. There is hereby created the wastewater equipment rental and revolving fund, to be classified as an internal service fund, for the purpose of accounting for financial resources for the full costing of rolling stock purchased by the water quality fund. For the purposes of this section, "full costing" means all costs associated with operation, maintenance, rental, repair replacement, central service cost allocation and department and division overhead.

B. Ownership of the equipment to be replaced by the wastewater equipment, rental and revolving fund is hereby transferred to that fund. Such equipment shall be reserved for the use and benefit of the wastewater treatment division and those parts of the water and land resources division that are funded through sewer rates.

C. The department of transportation shall be the fund manager, shall establish charges to recover full costing for the equipment owned by the wastewater equipment, rental and revolving fund and shall establish the terms and charges for sale of surplus equipment.

D. Annual appropriations of sewer rate revenues, beginning in 1998, shall be included in the wastewater treatment operating budget for transfer to the wastewater equipment, rental and revolving fund. This annual appropriation shall be based upon the charges for full costing as determined by the department of transportation to be sufficient for full costing. Transfers from the water quality fund to the wastewater equipment, rental and revolving fund shall be made monthly, consistent with RCW 36.33A.050, and shall be credited as revenues to the wastewater equipment, rental and revolving fund.

E. Uses of the wastewater equipment, rental and revolving fund shall be limited to full costing associated with management of the fleet.

F. All earnings from the investment of funds accumulated in the wastewater equipment, rental and revolving fund shall be deposited and credited to the wastewater equipment, rental and revolving fund. Revenue from the sale of surplus equipment originally purchased by the water quality fund, and transferred to the wastewater equipment, rental and revolving fund, shall be deposited and credited to the wastewater equipment, rental and revolving fund, beginning in 1998. Such revenues shall be included in the calculation of the rental rates by the department of transportation. (Ord. 13283 § 2, 1998: Ord. 12925 § 1-7, 1997).

4.08.315 Noxious weed control fund.

A. There is hereby created the noxious weed control fund which shall be used to support the activities of the King County noxious weed control board, with revenues from the noxious weed special assessment.

B. Noxious weed control fund shall be classified as a special revenue fund. The department of natural resources and parks shall be the fund manager of the noxious weed control fund.

C. The proceeds of the special assessment imposed by K.C.C. 4.94.010 shall be credited to the noxious weed control fund and may only be used to support the activities of the King County noxious weed control board and the department of natural resources and parks to control noxious weeds. (Ord. 14199 § 50, 2001: Ord. 13325 §§ 5, 6 and 7, 1998).

4.08.318 Mental illness and drug dependency fund.

A. There is hereby created the mental illness and drug dependency fund, classified as a special revenue fund, for the purpose of accounting for the proceeds of an additional one-tenth of one percent sales tax imposed by King County for collection beginning in 2008.

B.1. In accordance with K.C.C. chapter 4.33, the proceeds of the sales tax shall be used solely for the purpose of providing new or expanded chemical dependency or mental health treatment services and for the operation of new or expanded therapeutic court programs and shall not be used to supplant existing funding for these purposes, except as authorized in RCW 82.14.460(4), as it exists on October 11, 2009.

2.a. In order to reserve funds for new strategies not currently specified in the implementation plan, a new strategy reserve is hereby created in the mental illness and drug dependency fund. The purpose of this reserve is to fund new strategies and programs that meet the county's policy goals established in K.C.C. 4.33.010.

b. Mental illness and drug dependency programs or strategies that are funded from the new strategy reserve shall receive funding from the reserve for two full years. No project or strategy funded from the new strategy reserve shall utilize more than twenty percent of the total annual new strategy reserve amount. The annual new strategy reserve amount is based on the later of either the annual mental illness and drug dependency fund financial plan as transmitted by the executive with the proposed annual county budget or as amended by ordinance. The two-year period for funding new strategies from the new strategy reserve shall commence when the ordinance approving the new strategy is enacted. During the two-year period of funding from the new strategy reserve, these programs and strategies shall be reviewed as part of the annual mental illness and drug dependency evaluation cycles. After the initial two-year period, the new strategies and programs shall be subject to expansion, revision or elimination.

c. The new strategy reserve shall be limited to five million dollars.

d. The new strategy reserve shall be initially funded:

(1) in 2008 by:

(A) allocating one million eight hundred thousand dollars of the mental illness and drug dependency fund's revenue stabilization reserve to the new strategy reserve; and

(B) allocating seven hundred thousand dollars of the mental illness and drug dependency fund's 2008 revenue; and

(2) in 2009 by allocating up to two million seven hundred thousand dollars of the mental illness and drug dependency fund's 2008 ending undesignated fund balance to the new strategy reserve at the end of the 2008 fiscal year.

e. In 2010, the new strategy reserve shall not be replenished.

f. Effective January 1, 2010, all unencumbered funds in the new strategy reserve shall be transferred to the undesignated fund balance.

g. In 2011 and thereafter, the new strategy reserve will be replenished each year by allocating up to one half of the mental illness and drug dependency fund's previous ending year's undesignated fund balance less the target fund balance to the reserve until the five-million-dollar limit is reached.

C. The department of community and human services shall be the fund manager for the mental illness and drug dependency fund.

D. For investment purposes, the mental illness and drug dependency fund shall be considered a first tier fund. (Ord. 16663 § 1, 2009: Ord. 16261 § 4, 2008: Ord. 15955 § 2, 2007).

4.08.320 Alcohol and substance abuse services fund. There is hereby created the alcohol and substance abuse services fund. This fund shall be a second tier fund managed by the department of community and human services.

The alcohol and substance abuse services fund shall be used to collect revenue from state and other funding sources and to expend funds for alcohol and substance abuse services and related administration under an annual appropriation. (Ord. 13326 § 3, 1998).

4.08.321 Children and family services fund.

A. There is hereby created the children and families services fund for the purpose of supporting services throughout the county that support community, family or children's programs. This fund shall be a first tier fund, fully invested for its own benefit. The director of the department of community and human services shall be the fund manager. The policies set forth below shall govern the management of the fund.

B. Revenues currently accruing to the children and family set-aside shall now accrue to the children and families services fund.

C. Children and family set-aside fund balances as of December 31, 2007, held in the county's general fund shall be transferred to the children and families services fund. (Ord. 15961 § 2, 2007).

4.08.322 Health and human services levy fund.

A. There is hereby created the health and human services levy fund, classified as a special revenue fund, for the purpose of accounting for the proceeds of the property tax levy approved by the voters of King County on November 8, 2005, in excess of the levy limitation contained in chapter 84.55 RCW. This six-year levy commencing in 2006, has been approved by the voters for the express purpose of paying costs associated with the provision of regional health and human services to a wide range of low-income people in need of such services, including, but not limited to, services for veterans, military personnel and their families, services for children and youth, the elderly, the unemployed and underemployed and for services specific to veterans' needs such as treatment for posttraumatic stress disorder and specialized employment assistance. It also funds a range of regional health and human services and related capital facilities including, but not limited to, housing assistance, homelessness prevention, mental health counseling substance abuse prevention and treatment and employment assistance.

B. In accordance with Ordinance 15279, Section 4, the proceeds of the six-year levy shall be divided to place fifty percent of the levy proceeds in one fund designated for the provision of regional health and human services for veterans, military personnel and their families. The remaining fifty percent of the levy proceeds shall be placed in another fund designated for the provision of regional health and human services to a wide range of low-income people in need of such services.

C. The department of community and human services shall be the fund manager for the health and human services levy fund.

D. For investment purposes, the health and human services levy fund shall be considered a first tier fund. (Ord. 15551 § 3, 2006).

4.08.324 Veterans services levy fund.

A. There is hereby created the veterans services levy fund, classified as a special revenue fund, for the purpose of accounting for the proceeds of the property tax levy approved by the voters of King County on November 8, 2005, in excess of the levy limitation contained in chapter 84.55 RCW. This six-year levy commencing in 2006, has been approved by the voters for the express purpose of paying costs associated with the provision of regional health and human services to a wide range of low-income people in need of such services, including, but not limited to, services for veterans, military personnel and their families, services for children and youth, the elderly, the unemployed and underemployed and for services specific to veterans' needs such as treatment for posttraumatic stress disorder and specialized employment assistance. It also funds a range of regional health and human services and related capital facilities including, but not limited to, housing assistance, homelessness prevention, mental health counseling substance abuse prevention and treatment and employment assistance.

B. In accordance with Ordinance 15279, Section 4, the proceeds of the six-year levy shall be divided to place fifty percent of the levy proceeds in one fund designated for the provision of regional health and human services for veterans, military personnel and their families. The remaining fifty percent of the levy proceeds shall be placed in another fund designated for the provision of regional health and human services to a wide range of low-income people in need of such services.

C. The department of community and human services shall be the fund manager for the veterans services levy fund.

D. For investment purposes, the veterans services levy fund shall be considered a first tier fund. (Ord. 15551 § 2, 2006).

4.08.325 Transit cross-border lease financing fund. There is hereby created a transit cross-border lease financing fund. This fund shall be a first tier fund as described in K.C.C. 4.10.010. The manager of the finance and business operations division shall be the fund manager.

The purpose of the transit cross-border lease financing fund is to provide for the revenues and expenditures associated with transit cross-border leasing activity and to allow for the clear identification of the benefits that will accrue to the public transportation program therefrom. (Ord. 14199 § 51, 2001: Ord. 13302 §§ 1 and 2, 1998).

4.08.327 Transfer of development rights (TDR) pilot program -- TDR bank fund authorization. The TDR bank fund is hereby established and shall be classified as a first tier fund with all investment proceeds credited to the fund. The fund shall be managed by the department of natural resources and parks or its successor. Appropriation authority of one million five hundred thousand dollars established in fund 3522, project 352320 in Ordinance 13340 shall be transferred by the executive to the TDR bank fund, in a new project. (Ord. 14199 § 52, 2001: Ord. 14190 § 22, 2001: Ord. 13733 § 9, 2000).

4.08.330 Clark Contract administration fund. There is hereby established the Clark Contract administration fund. This fund shall be a first tier fund managed by the budget office. The fund shall be used to process administrative and related costs associated with the Clark Contract lawsuit. (Ord. 13771 § 1, 2000).

4.08.335 Grants tier 1 fund. There is hereby created the grants tier 1 fund. This fund shall be a first tier fund as described in this chapter with all interest earnings to be credited back to the fund. Expenditure authority from the grants tier 1 fund shall be made available for grants that are mandated by federal, state or local laws to accrue interest back into the grant. (Ord. 14222 § 2, 2001).

4.08.340 Institutional network operating fund.

A. There is hereby created an institutional network operating fund. This fund shall be a first tier fund as described in this chapter with all interest earnings to be credited back to the fund. The fund shall only exist as long as the King County council has appropriated current operating expenditure authority for the institutional network project. The director of the department of information and administrative services shall be the fund manager.

B. The purpose of the institutional network operating fund is to provide for the operating revenues, operating expenditures, operating assets and operating liabilities of the institutional network project.

C. As the institutional network project is self-supporting, a reserve amount equal to thirty days of 2005 institutional network operating costs shall be maintained in the institutional network operating fund. One half of the reserve amount shall be in the fund by 2003 and the full reserve amount shall be in the fund by 2005. (Ord. 14227 § 2, 2001).

4.08.345 Employee charitable campaign contributions fund.

A. There is hereby created an employee charitable campaign contributions fund. This fund shall be a first tier fund as described in this chapter and shall be a nonbudgeted agency fund. The manager of the finance and business operations division of the department of executive services or his or her designee shall be the fund manager.

B. Uses of the employee charitable campaign contributions fund shall be limited to the receipt and disbursement of employee charitable campaign contributions collected from county employees as authorized by K. C. C. chapter 3.36 and the payment of authorized expenses of the employee charitable campaign committee. The employee charitable campaign contributions fund shall be administered under the terms of an agreement between the manager of the finance and business operations division of the department of executive services and the employee charitable campaign committee. (Ord. 14998 § 1, 2004).

4.08.360 King County marine division operating fund.

A. There is hereby created the King County marine division operating fund. This fund shall be a first tier fund as described in this chapter.

B. The director of the department of transportation, or its successor agency, shall be the fund manager.

C. The purpose of this fund is to provide for the revenues to and expenditures by King County, on behalf of the King County ferry district, as established in Ordinance 15739, in performance of services associated with the operating functions of the district. (Ord. 15973 § 1, 2007).

4.08.370 King County marine division capital fund.

A. There is hereby created the King County marine division capital fund. This fund shall be a first tier fund as described in this chapter.

B. The director of the department of transportation, or its successor agency, shall be the fund manager.

C. The purpose of this fund is to provide for the revenues to and expenditures by King County, on behalf of the King County ferry district, as established in Ordinance 15739, in the performance of services associated with the capital functions of the district. (Ord. 15973 § 2, 2007).

4.08.380 King County flood control operating contract fund.

A. There is hereby created the King County flood control operating contract fund. This fund shall be a first tier fund as described in this chapter.

B. The director of the department of natural resources and parks, or its successor agency, shall be the fund manager.

C. The purpose of this fund is to provide for the revenues to and expenditures by King County, on behalf of the King County Flood Control Zone District, as established in Ordinance 15278, in performance of services associated with the operating functions of the district. (Ord. 15968 § 1, 2007).

4.08.390 King County flood control capital contract fund.

A. There is hereby created the King County flood control capital contract fund. This fund shall be a first tier fund as described in this chapter.

B. The director of the department of natural resources and parks, or its successor agency, shall be the fund manager.

C. The purpose of this fund is to provide for the revenues to and expenditures by King County, on behalf of the King County Flood Control Zone District, as established in Ordinance 15278, in the performance of services associated with the capital functions of the district. (Ord. 15968 § 2, 2007).

4.08.395 Special purpose revolving funds. The manager of the finance and business operations division is hereby authorized to establish three funds for the purposes listed below and will reimburse such funds upon submittal of adequately documented disbursement records which must relate to the purpose of the respective fund. The following special purpose revolving funds are recognized as necessary to the legitimate operating needs of the county:

A. Employee Advance Travel Expense Revolving Fund.

1. Custodian: Finance and business operations division.

2. Purpose: To provide advances for employee travel expense in cases deemed to otherwise result in undue economic burden on the employee.

B. Special Investigation Revolving Fund.

1. Custodian: Department of public safety.

2. Purpose: To provide cash funds for payments to nonemployees as may occur in special investigation activities.

C. Fraud Division Revolving Fund.

1. Custodian: Office of the prosecuting attorney.

2. Purpose: To provide cash funds for such purposes or payments to nonemployees as may be incurred in fraud investigations. (Ord. 14199 § 74, 2001: Ord. 12076 § 45, 1995).

4.08.400 Recorder's operation and maintenance fund.

A. There is hereby established a special revenue fund titled recorder's operation and maintenance fund number 109, for the purpose of having deposited within it all revenues collected from the additional recording fee authorized by Chapter 204, Laws of Washington 1989. This fund shall be a first tier fund as described in K.C.C. chapter 4.08. The revenue contained in this fund shall be expended solely for the purpose of acquiring, installing and maintaining an improved system for copying, preserving and indexing documents recorded in or filed with the King County records and licensing services division and for further preserving those official documents filed in King County that are deemed archival by state archival standards.

B. The manager of the finance and business operations division is authorized to invest any moneys in the fund not required for immediate expenditure in accordance with the second paragraph of RCW 36.29.020.

C. The moneys in the fund are to be used solely for the purposes authorized by Chapter 204, Laws of Washington 1989 and shall not be added to the county's current expense fund, but shall be distributed as follows:

1. Fifty percent of the revenue generated through this surcharge shall be transmitted monthly to the state treasurer who shall distribute such [moneys] back to the county of the finance and business operations division and then to the fund in July of each year pursuant to state law. The portion of the surcharge transmitted to the state shall expire on January 1, 1995, at which time the surcharge shall be reduced to one dollar per instrument.

2. Fifty percent of the revenue generated shall be retained by records and licensing services division and deposited directly into the fund and not added to the county current expense fund. On January 1, 1995 the remaining one dollar per instrument shall continue to go into this fund. (Ord. 16679 § 14, 2009: Ord. 15971 § 31, 2007: Ord. 12075 § 1, 1995. Formerly K.C.C. 2.12.160).

4.08.410 Animal bequest fund. There is hereby created the animal bequest fund. The fund shall be a first tier fund as described in this chapter. The director of the department of executive services shall be the manager of the fund. All receipts and earnings from gifts, bequests and donations shall be deposited and credited to the fund. The fund may only be used in accordance with donor restrictions and for regional animal services purposes, including but not limited to housing of animals, medical attention for animals, public education, animal shelter improvements and such other purposes that further the general welfare of animals. All revenue in the animal bequest account within the general fund and any subaccounts of the account as of the effective date of this ordinance shall be transferred to the animal bequest fund. (Ord. 16861 § 3, 2010).

4.08.420 Regional animal services fund. There is hereby created the regional animal services fund. This fund shall be a second tier fund managed by the department of executive services. The regional animal services fund shall be used to collect revenue from city contracts and other funding sources and to expend funds for regional animal services and related administration under an annual appropriation." (Ord. 16861 § 5, 2010).

Chapter 4.10
INVESTMENT OF FUNDS

Sections:

4.10.010 Definitions
4.10.040 Maximum available for investment.
4.10.050 Executive finance committee.
4.10.060 Reports on investments.
4.10.070 Investment earnings, losses and penalties.
4.10.080 Report to the council.
4.10.090 Pooled investments.
4.10.100 Repealer.
4.10.110 New funds.
4.10.120 Ratification of prior investments.
4.10.130 Administrative rules.
4.10.150 Outstanding investments.

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4.10.010 Definitions. As used in this chapter, the following terms shall have the following meanings:

A. "Manager" means manager of the finance and business operations division.

B. "First tier fund": Each county fund listed or described as a first tier fund in K.C.C. chapter 4.08.

C. "Fund manager" means that person holding or exercising the powers of the position or office specified in K.C.C. chapter 4.08 as the manager for each fund and such persons to whom the fund manager has delegated duties and responsibilities as provided in K.C.C. chapter 4.08.

D. "Residual treasury cash" means any cash in the custody or control of the finance and business operations division as to which no investment directive under the first paragraph of RCW 36.29.020, as now or hereafter amended, has been received by the manager of the finance and business operations division. Residual treasury cash includes county cash for which the fund manager has not directed a specific fund investment pursuant to this chapter.

E. "Second tier fund" means a fund that is not to be invested for its own benefit under the first paragraph of RCW 36.29.020 and listed as a second tier fund in K.C.C. chapter 4.08. (Ord. 14561 § 19, 2002: Ord. 14199 § 53, 2001: Ord. 12076 § 33, 1995).

4.10.040 Maximum available for investment. For each first tier fund designated in K.C.C. chapter 4.08, the maximum amount of funds available but not required for immediate expenditure which are to be invested pursuant to the first paragraph of RCW 36.29.020, as now or hereafter amended, is to be determined by the fund manager prospectively taking into consideration the need to maintain sufficient cash liquidity in the fund to meet current expenditure requirements. Each fund manager shall make such a determination for each fund no less often than weekly, nor more often than daily, and shall promptly advise the manager of the finance and business operations division, in such manner and subject to such reasonable administrative constraints as the manager of the finance and business operations division shall establish, if there are funds to be invested, to invest such amounts from each fund, informing the manager of the finance and business operations division of the amount and maximum length of maturity appropriate for each investment, and such amounts are hereby authorized for investment under the first paragraph of RCW 36.29.020, as now or hereafter amended. Such investments shall be made and the lengths of their maturities selected by the manager of the finance and business operations division in consultation with the executive finance committee. Consultation with the executive finance committee shall include, at a minimum, full disclosure of average invested and residual cash for each county fund. Such investments shall not negate or affect the authority of the manager of the finance and business operations division, under the guidance of the executive finance committee, to include the retained cash balance in the fund as part of the residual treasury cash invested under the second paragraph of RCW 36.29.020, as now or hereafter amended, for the benefit of the county Current Expense Fund. (Ord. 14199 § 54, 2001: Ord. 12076 § 34, 1995).

4.10.050 Executive finance committee. The executive finance committee is hereby confirmed as being the "county finance committee," referred to in RCW 36.29.020 and RCW 36.48.070, and shall be composed of the following: the county executive; the manager of the finance and business operations division; the director of the office of performance, strategy and budget; and the chair of the county council. The executive finance committee shall be responsible for directing the manager of the finance and business operations division in determining the maximum prudent extent to which residual treasury cash shall be invested pursuant to RCW 36.29.020 and this chapter. Actions of the committee shall be by majority vote except when the chair of the council determines such action constitutes a policy determination, as opposed to an administrative determination, which should be referred to the council. The chair of the council may defer action on the proposal until the council makes such policy determination regarding the proposed action. (Ord. 16960 § 21 2010: Ord. 14561 § 20, 2002: Ord. 14199 § 55, 2001: Ord. 12076 § 35, 1995).

4.10.060 Reports on investments. The investment instruments in which county funds shall be invested shall be selected solely by the manager of the finance and business operations division or his or her designee and fully reported to the executive finance committee on a monthly basis at a minimum. Any losses on investments including all investments of the county treasury shall be reported by the manager of the finance and business operations division to all members of the executive finance committee immediately upon discovery. Investments shall be chosen from those which are now or may hereafter be legally permitted, with the aim of maximizing return to the county while safeguarding county funds, providing the liquidity needed to meet county obligations in timely fashion, and complying with such other county policy directives as now exist or may be hereafter adopted. (Ord. 14199 § 56, 2001: Ord. 7112 § 6, 1985).

4.10.070 Investment earnings, losses and penalties. Investment earnings and losses and any penalties for premature liquidation shall be allocated as follows:

A. In the case of first tier funds, for those specific fund investments directed by the fund manager, an investment service fee equal to the maximum now or hereafter authorized by state law shall be deposited in the county current expense fund, and the balance of the maturing or liquidated investment, plus earnings if any, shall be deposited in the specific fund out of which the investment originated.

As an alternative to premature liquidation of these specific fund investments, the executive finance committee may provide, on appropriate terms and conditions, for temporary interfund borrowing to cover unforeseen cash liquidity needs, and may provide for interfund purchases, at then market value, of investments in order to avoid penalties, provided that, the manager of the finance and business operations division shall report to the executive finance committee any temporary interfund borrowing made to avoid liquidation of any investment instrument if such liquidation would have resulted in a loss of principal or interest. Terms and conditions should specify an interest rate and schedule of repayment.

B. For all other county funds, and for residual treasury cash investments attributable to first tier funds, all earnings and losses and any penalties for premature liquidation shall be deducted from or deposited in the county current expense fund and used for general county purposes. (Ord. 14199 § 57, 2001: Ord. 7112 § 7, 1985).

4.10.080 Report to the council. The executive finance committee shall report to the county council quarterly the average residual cash and investment balances of each first tier fund, the amount of investment earnings received by each first tier fund, the specific fund investments outstanding at the end of the quarter for each first tier fund, and the amount retained in that fund at the end of the quarter as part of the residual treasury cash. (Ord. 7112 § 8, 1985).

4.10.090 Pooled investments. At the direction of the executive finance committee, with the agreement of the fund manager, the manager of the finance and business operations division or his or her designee, may pool monies for specific fund investments with other monies directed for specific fund investments by a fund manager under the first paragraph of RCW 36.29.020, as now or hereafter amended, monies in the residual treasury cash and monies directed for investment by other municipal corporations. Interest earnings and any losses shall be apportioned pro rata, after payment of investment service fees to the county current expense fund, to each of the funds participating in the pooled investment. (Ord. 14199 § 58, 2001: Ord. 7112 § 9, 1985).

4.10.100 Repealer. King County Resolution 36165 is hereby repealed, except that it shall continue to govern the investment of county funds consisting primarily of proceeds from the issuance of bonds or other county obligations authorized (whether or not yet issued) prior to January 1, 1985, and shall take precedence over Ordinance 7112 as to such funds in case of irreconcilable conflict. (Ord. 7112 § 10, 1985).

4.10.110 New funds.

A. Whenever a new county fund shall be created, unless it is of a type described in K.C.C. 4.08.015, consideration shall be given to whether it should be a first tier fund, and the council shall consider the recommendation of the executive in this regard within forty-five days of receiving such recommendation. Any fund as to which no specific action is or has been taken within forty-five days to authorize specific fund investments under the first paragraph of RCW 36.29.020, as now or hereafter amended, shall be a second tier fund.

B. Whenever a new county fund is established with direction that all surplus monies in the fund be invested for the benefit of that fund, or when such direction is given in connection with any county fund, such direction shall be deemed to mean only that monies available but not required for immediate expenditure shall be invested for that fund according to the procedures and limitations contained in this chapter, and such direction shall not negate or affect the authority of the manager of the finance and business operations division, under the guidance of the executive finance committee, to include the retained cash balance in that fund as part of the residual treasury cash invested under the second paragraph of RCW 36.29.020, as now or hereafter amended, for the benefit of the county Current Expense Fund; except that if specific negative reference is made to this chapter and direction is expressly given that the Current Expense Fund shall not receive any earnings attributable to the fund in question, then and only then shall that particular fund be entitled to its proportionate share of any earnings resulting from residual treasury cash.

C. In case direction shall be given that certain monies in a county fund be invested for the benefit of that fund, and no fund manager be provided for, then the director of the county department or office primarily responsible for expenditures from that fund shall be the fund manager. (Ord. 14199 § 59, 2001: Ord. 12646 § 2, 1996: Ord. 12076 § 36, 1995).

4.10.120 Ratification of prior investments. All prior actions of the executive finance committee and the manager of the finance and business operations division or his or her predecessor taken in connection with investment directives and policies, investment decisions, and the allocation of investment earnings, as they relate to the investment of county funds, are hereby ratified. (Ord. 14199 § 60, 2001: Ord. 12076 § 37, 1995).

4.10.130 Administrative rules. The manager of the finance and business operations division shall promulgate administrative rules pursuant to K.C.C. chapter 2.98 to implement this chapter. The rules shall be approved by the executive finance committee. (Ord. 14199 § 61, 2001: Ord. 7112 § 13, 1985).

4.10.150 Outstanding investments. In the event that there are any investments outstanding on January 1, 1985, which have been made for the benefit of a county fund (the "originating fund") that will no longer, upon January 1, 1985, be entitled to retain investment earnings, then the earning or loss from the investment shall, upon receipt or maturity, be divided proportionately between the originating fund and the current expense fund according to the number of calendar days such investment was outstanding before and on or after January 1, 1985. In such cases, the current expense fund shall receive, from the originating fund's share of investment earnings, the maximum investment service fee now or hereafter allowed by state law. (Ord. 7112 § 15, 1985).

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Chapter 4.12
CLAIMS AGAINST COUNTY[1]

Sections:

4.12.010 Purpose.
4.12.020 Definitions.
4.12.030 Risk management division - duties of RM.
4.12.040 Risk management committee.
4.12.050 Role of prosecuting attorney.
4.12.060 Duties of county officers, employees and authorized agents.
4.12.070 Procedure for handling claims.
4.12.080 Procedure for handling lawsuits.
4.12.090 Defense of county officers, employees and authorized agents.
4.12.100 Recovery of losses.

[1.] **For statutory provisions regarding claims against counties, see chapter 36.45 RCW.**

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4.12.010 Purpose. The purpose of this chapter is to establish risk management policies for the county and to define procedures for the executive and the prosecuting attorney regarding the processing and disposition of claims and claims lawsuits against the county. (Ord. 3581 § 1, 1978).

4.12.020 Definitions. As used in this chapter, the following words and terms shall have the meanings set forth herein:

A. "Chief civil deputy" means the chief deputy of the civil division, office of the King County prosecutor or his designee;

B. "Civil division" means the civil division of the office of the King County prosecutor;

C. "Claims" shall mean any claim naming the county, and/or its officers, employees or authorized agents while acting in good faith within the scope of their official duties, as a cause or causes of injury or damage and which alleges a tort cause of action and asks for money damages.

D. "Lawsuit" means any lawsuit naming the county, and/or its officers, employees or authorized agents while acting in good faith within the scope of their official duties, as defendant(s), which lawsuit alleges a tort cause of action and asks for money damages;

E. "Committee" means the risk management committee established by Section 4.12.040;

F. "Council" means the King County council, as defined by Article 2 of the King County Charter;

G. "Executive" means the King County executive, as defined by Article 3 of the King County Charter or his designee;

H. "Risk management" means a coordinated and continuous management process to identify potential loss exposures, to apply reasonable and effective risk controls and to insure that the financial integrity of King County is not impaired after a loss;

I. "RM" means the risk manager or his designee;

J. "Safety manager" means the manager of the office of safety and workers compensation program. (Ord. 8428 § 1, 1988: Ord. 3581 § 2, 1978).

4.12.030 Risk management division - duties of RM.

A. The risk management division is established in K.C.C. chapter 2.16. The manager of the risk management division shall be the risk manager, who shall report directly to the director of the department of executive services.

B.1. The risk manager shall be responsible for administration of the risk management program.

2. The risk manager shall coordinate with the civil division on contractual matters giving rise to potential liability on the part of the county. The risk manager shall seek the advice of the civil division as to appropriate language regarding insurance, indemnification, releases and hold harmless clauses. Thereafter, the risk manager shall advise department directors and division managers concerning these matters as part of a coordinated process prior to finalization of county contracts.

3. The risk manager shall be the chairperson of the committee and shall advise the committee concerning insurance, risk management policies, broker selection and other appropriate matters.

4. With the approval of the committee, the risk manager shall select appropriate insurance brokers by use of a competitive procurement process for the marketing of insurance and related services.

5. The risk manager shall be responsible for the purchasing and administration of all such insurance policies, funded self-insurance programs and related services as are consistent with good risk management policy and the needs of the county. In purchasing insurance policies, the risk manager shall obtain the approval of the committee.

6. The risk manager shall advise all county departments, divisions and other county agencies regarding risk management and reduction of risk and exposure to loss, including programs and precautions for safety to reduce hazards to the public that may exist in county facilities and operations. The risk manager shall cooperate with the safety manager in areas where, in the opinion of the risk manager, the safety of employees and safety of the public requires coordinated programs. The risk manager shall also be responsible for answering all insurance or funded self-insurance coverage questions. The RM shall be responsible for the evaluation of current and future county or departmental insurance coverage programs and have the authority to make recommendations where such action is in the best interests of the county.

7. The risk manager shall have the power, subject to budget authorizations, to contract for such outside assistance and perform such other acts as are necessary to carry out his/her responsibilities in an expeditious manner.

8. The risk manager shall have the responsibility to establish reserve requirements for all claims and lawsuits and recommend financing plans and budget actions to assure that adequate resources are available to meet risk management financing requirements.

9. The risk manager shall have responsibility for risk identification, control and reduction, including authority to make recommendations to all county departments, divisions and agencies regarding the safety of the public using county facilities or services.

C.1. The risk manager shall have the power to employ the services of such claims specialists or other parties as are necessary to process claims in an equitable and expeditious manner.

2. The risk manager shall cooperate with the civil division in coordinating information pertinent to claims and lawsuits against the county.

3. For all claims of fifty thousand dollars or less, the risk manager shall make final disposition except that, for all claims over two-thousand five-hundred dollars, the risk manager shall seek the advice of the civil division prior to final disposition.

4. The risk manager shall maintain complete histories of all claims and claims litigation, insured or funded self-insurance, loss histories and investigations of claims. The risk manager shall be responsible to insure that complete files are maintained of all claims asserted against the county and all incidents reported to the risk management division sufficient to document at least a five-year claims history.

D.1. The risk manager shall provide quarterly reports to the council on claims that have been closed with an indemnity payment in the amount of one hundred thousand dollars or more. The report shall identify the claimant, include a description of the claim, identify the amount of the indemnity payment, identify if the payment was a result of a settlement, a judgment, or payment to an insurance company or other party and shall include any other information the risk manager feels would be helpful to the council in understanding the nature of the claim. The reports shall take the form of one original letter with an attached table that provides the information required in this section, and an electronic version of the letter and table, submitted to the clerk of the council for distribution to all councilmembers. The reports are due thirty days after the end of each calendar quarter of the year.

2. The risk manager on or before March 31 of the subsequent year shall report to the council the total number and amount of all claims filed against the county and the number and amounts of all claims paid by the county during the preceding calendar year. The risk manager shall make an annual report to the committee and the council regarding insurance coverage and the level of retained risk. (Ord. 16913 § , 2010: Ord. 11984 § 3, 1995).

4.12.040 Risk management committee.

A. There is created a risk management committee to be composed of the following individuals: RM; safety manager; chief civil deputy; and the director of the office of performance, strategy and budget. The RM shall chair the committee. The safety manager shall be a nonvoting member of the committee and shall serve to inform and advise the committee on safety matters and coordinate employee safety programs with the risk identification and control functions of the committee.

B. The risk management committee shall:

1. Make recommendations to the council and executive regarding risk management policy and shall cause such policy to be established and kept current;

2. Approve the selection of all insurance brokers submitted to it, as a result of a competitive procurement process;

3. Render advice to the RM on matters concerning the purchase of insurance policies and advise on the design of insurance and funded self-insurance programs;

4. Advise the RM concerning matters of risk management policy; and

5. Approve the purchase of all insurance policies. (Ord. 16960 § 22, 2010: Ord. 14561 § 21, 2002: Ord. 12076 § 38, 1995).

4.12.050 Role of prosecuting attorney.

A. LEGAL ADVISOR OF COUNTY**.** This section is consistent with and implements in part state law, RCW 36.27.020, which makes the prosecuting attorney the legal advisor of the county.

B. DUTIES.

1. The prosecuting attorney, in accordance with state law, RCW 36.27.020, shall be primarily responsible for the defense of all lawsuits against the county, or against county officials, employees or authorized agents acting in good faith within the scope of their official county duties, except where insurance or service contracts provide for defense. The prosecuting attorney may contract with outside counsel for legal services where appropriate.

2. The civil division shall provide legal advice to the RM regarding the disposition of all claims against the county.

3. The civil division shall keep the RM advised of the current status and progress of all claims litigation.

4. The civil division shall direct any recommendations for settlement of claims or lawsuits to the authority designated by Sections 4.12.030 and 4.12.080 as having final settlement authority. In recommending settlement of claims or lawsuits, the civil division shall consult, in conjunction with the risk management office, with the department, division or other county agency most involved with the litigation and/or named as a party to the lawsuit.

5. In reviewing contract language involving indemnification, releases, hold harmless clauses or insurance matters, the civil division shall provide advice to the RM.

6. The chief civil deputy of the civil division shall resolve any and all questions relating to the following issues:

a. whether a county official, employee or authorized agent acted in good faith within the scope of his or her official county duties; and

b. whether, for purposes of the issues raised by a particular claim or lawsuit, a person is in fact a county official, employee or authorized agent. (Ord. 8428 § 5, 1988: Ord. 3581 § 6, 1978).

4.12.060 Duties of county officers, employees and authorized agents.

A. COOPERATION**.** All county departments, divisions or agencies and the officers, employees and authorized agents thereof are hereby directed to cooperate fully and in good faith with the RM and civil division in the investigation and defense of claims and lawsuits. When deemed necessary by the chief civil deputy or deputy prosecutor assigned to the case, such assistance may include, but not be limited to, the providing of testimony and exhibits for use in litigation. Any request for information by the office of risk management shall be considered a request by the civil division.

B. FORBIDDEN ACTS. Except as specifically directed by the RM or civil division, no county department, division or other county agency, and no county official, employee, or authorized agent acting individually or collectively, may engage in the following acts:

1. Negotiate or otherwise affect the settlement of a claim or lawsuit against the county;

2. Make an admission of liability involving a claim or lawsuit against the county;

3. Discuss with persons who are not county employees incidents which could reasonably lead to claims or lawsuits against the county; or

4. Discuss with persons who are not county employees incidents which are the subject of pending claims or lawsuits.

C. REPORTING ACCIDENTS AND INCIDENTS. In the event of an accident, incident or occurrence causing bodily injury or property damage involving county vehicles, property or personnel acting within the scope of their employment, the knowledgeable county officers, agents, employees and authorized agents shall provide notice to the office of risk management as soon as practicable. Such notice shall include all reasonably obtainable information with respect to the time, place and circumstances of said accident, incident or occurrence and the names and addresses of all knowledgeable county personnel, injured or affected parties, and available witnesses. (Ord. 8428 § 6, 1988: Ord. 3581 § 7, 1978).

4.12.070 Procedure for handling claims.

A. PLACE FOR FILING; CONTENT. All claims against the county for damages arising out of tortious conduct shall be presented to and filed with the clerk of the council. All such claims shall be verified and shall accurately describe the conduct and circumstances which brought about the injury or damage, describe the injury or damage, state the time and place the injury or damage occurred, state the names of all persons involved, if known, and shall contain the amount of damages claimed, together with a statement of the actual residence of the claimant at the time of presenting and filing the claim and for a period of six months immediately prior to the time the claim arose. If the claimant is incapacitated from verifying, presenting, and filing his claim or if the claimant is a minor, or is a nonresident of the state, the claim may be verified, presented, and filed on behalf of the claimant by any relative, attorney, or agent representing him. With respect to the content of such claims this section shall be liberally construed so that substantial compliance will be deemed satisfactory.

B PERIOD AND REQUISITES. No action shall be commenced against the county for damages arising out of tortious conduct until a claim has first been presented to and filed with the clerk of the council. The requirements of this section shall not affect the applicable period of limitations within which an action must be commenced, but such period shall begin and shall continue to run as if no claim were required.

C. TRANSMITTAL. The clerk of the council shall initiate the processing of a claim by immediately transmitting the original of the claim to the RM. The clerk of the council shall at the same time send a copy of the letter of transmittal to the civil division.

D. DISPOSITION.

1. For all claims of fifty thousand dollars or less, the RM shall be the final payment authority and shall make final disposition by either granting or denying such claim; Provided that, for all claims over two thousand five hundred dollars, the RM shall seek the advice of the civil division prior to final disposition.

2. For all claims above fifty thousand dollars, the county executive shall make final disposition after receiving advice from the civil division and the RM. (Ord. 8428 § 7, 1988: Ord. 3581 § 8, 1978).

4.12.080 Procedure for handling lawsuits.

A. SERVICE OF PROCESS. Service of a summons and complaint on the clerk of the council shall constitute service on the county for purpose of state law, RCW 4.28.080.

B. SERVICE ON OFFICER OR EMPLOYEE. Any county official or employee who is served with a summons and/or complaint in a lawsuit against the county or against any of its officials, employees or authorized agents alleged to be acting in their official capacities shall immediately deliver the summons and/or complaint to the clerk of the council.

C. DISTRIBUTION. The clerk of the council, upon accepting service of the summons and/or complaint shall immediately deliver copies thereof to the civil division. The civil division shall docket the lawsuit and send a copy of the summons and/or complaint to the office of risk management.

D. DEFENSE. The prosecuting attorney shall defend, or provide for the defense, of all self-insured lawsuits against the county or any of its officials, employees or authorized agents acting in good faith within the scope of their official duties; Provided that, such individuals discharge their obligations as set forth in Section 4.12.060.

E. SETTLEMENT. Final authority for settlement of self-insured lawsuits shall be as follows:

1. The RM, acting with the advice of the civil division, may authorize settlements of fifty thousand dollars or less.

2. The executive, acting with the advice of the civil division and the RM, may authorize settlements of more than fifty thousand dollars. (Ord. 8428 § 8, 1988: Ord. 3581 § 9, 1978).

4.12.090 Defense of county officers, employees and authorized agents.

A. PURPOSE. The purpose of this section is to protect county officers, employees, authorized agents and their marital communities from personal liability for acts committed by such individuals in good faith and within the scope of their official county duties.

B. DETERMINATIONS OF SCOPE AND STATUS. The chief civil deputy shall determine any and all questions relating to scope and status in accordance with Section 4.12.050.B.6.

C. RESPONSIBILITY FOR DEFENSE. Where a county officer, employee, authorized agent or the marital community of such person is sued in a lawsuit for an act or alleged act falling within the scope of the officer's, employee's or authorized agent 's official duties, the prosecuting attorney shall be responsible for defense of that person or community in accordance with the procedures and requirements specified in Sections 4.12.050, 4.12.060, and 4.12.080, and 4.12.090.

D. EXCLUSIONS. This section shall not apply where a claim or lawsuit is covered fully by insurance.

E. POSSIBLE CONFLICTS. Where a possible conflict exists between the county and a county official, employee or authorized agent, acting in good faith within the scope of his or her official duties, the prosecuting attorney may at his or her sole discretion, appoint outside counsel as a special deputy prosecuting attorney to represent such persons. In such cases, the county shall be responsible for payment of costs incurred in such defense. (Ord. 8428 § 9, 1988: Ord. 3581 § 10, 1978).

4.12.100 Recovery of losses.

A. ACTIONS FOR RECOVERY. The RM and civil division shall be responsible for bringing all actions, including claims and lawsuits, for recovery of losses to the county arising out of the acts of others. Such losses may include property damages or losses which impact on the county as a result of personal injuries to county officers or employees. In addition, the civil division may join the county as a party with any third party in a lawsuit involving recovery of loss to the county.

B. ALLOCATION OF RECOVERIES. Any moneys recovered (excluding costs of recovery) by the RM or civil division on account of losses to the county shall be paid to the budget unit or department which has expended funds and/or materials as a result of the loss. Any moneys in excess of those so expended shall be transferred to the insurance fund. (Ord. 3581 § 11, 1978).

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Chapter 4.13
DEFENSE OF COUNTY OFFICERS, EMPLOYEES, AND AUTHORIZED AGENTS

Sections:

4.13.010 Legal representation.
4.13.020 Role of prosecuting attorney.

4.13.010 Legal representation. There is added to K.C.C. Title 4 a new chapter to read as follows:

A. Defense of County Officers, Employees, and Authorized Agents. Subject to the provisions of this chapter, the county shall provide legal representation and indemnification to protect county officers, employees, authorized agents and their marital communities from personal liability for alleged violations of civil or criminal law resulting from or based upon alleged acts or omissions of the officer, employee, or authorized agent. To have the benefit of such legal representation and indemnification, the county officer, employee, or authorized agent shall have performed or acted in good faith, with no reasonable cause to believe such conduct was unlawful, and within the scope of such person's service to or employment with the county. (Ord. 11032 § 27, 1993).

4.13.020 Role of prosecuting attorney.

A. In accordance with RCW 36.27.020, the prosecuting attorney shall be primarily responsible for the defense pursuant to this chapter of any county officer, employee, or authorized agent. The prosecuting attorney may contract with outside counsel for legal services where appropriate.

B. The chief civil deputy prosecuting attorney shall resolve any and all questions as to whether or not a county officer, employee, or authorized agent performed or acted as required to have the benefit of county legal representation and indemnification.

C. Duties of county officers, employees and authorized agents. The provisions of section 4.12.060 shall apply to the provisions of legal defense and indemnification under this section.

D. Responsibility for costs and expenses. Any reasonable costs and expenses incurred in the provision of legal representation and indemnification pursuant to this chapter shall be paid from the funds appropriated to the particular county agency employing or retaining the affected county officer, employee, or authorized agent. (Ord. 11032 § 27, 1993).

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Chapter 4.14
BIDDING PROCEDURES FOR FINANCIAL SERVICES CONTRACTS

Sections:

4.14.010 Policy.
4.14.020 Frequency of competitive procurement process.
4.14.030 Financial service need survey.
4.14.040 Development and review of specifications.
4.14.050 Specifications forwarding - preproposal conference.
4.14.060 Specifications time limit - proposals called when.

4.14.010 Policy. It is the policy of King County that financial services provided to the county by banking institutions be provided as a result of open competitive procurement processes. (Ord. 12076 § 39, 1995).

4.14.020 Frequency of competitive procurement process. Competitive procurement processes by banking institutions to provide those services shall occur once every five years. (Ord. 14484 § 1, 2002: Ord. 12076 § 40, 1995).

4.14.030 Financial service need survey. The manager of the finance and business operations division shall conduct a survey of the financial services needs of the county prior to initiating the procurement process. The survey shall be reviewed and updated prior to each subsequent procurement process. (Ord. 14199 § 62, 2001: Ord. 12076 § 41, 1995).

4.14.040 Development and review of specifications. The manager of the finance and business operations division shall develop specifications stating the financial service needs of the county. Said specifications shall be reviewed and approved by the council prior to formally seeking proposals from banks. (Ord. 14199 § 63, 2001: Ord. 12076 § 42, 1995).

4.14.050 Specifications forwarding — preproposal conference. Specifications shall be forwarded to all banking institutions capable of serving the county's financial service needs and shall be made available to any bank or individual interested in providing such services. A conference shall be arranged prior to submission of formal proposals to receive input from the banking community. Changes to the specifications will be by addendum and will be reviewed by the council. (Ord. 12076 § 43, 1995).

4.14.060 Specifications time limit - proposals called when. Specifications for providing banking services to the county shall be developed for council approval on or before the end of March. Proposals shall be called by the first working day in June (Ord. 12076 § 44, 1995).

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Chapter 4.16
PROCUREMENT PROCEDURES FOR PUBLIC CONTRACTS*

Sections:

4.16.005 Applicability - administration of procurmeent - federal or state preemtion - limits on executive limitations.
4.16.010 Definitions.
4.16.025 Submittal and opening of bids and proposals.
4.16.030 Exceptions to bidding for the lease or purchase of tangible personal property and services or the solicitation of proposals and qualifications and subsequent purchase of either or both professional and technical service.
4.16.035 Capital improvement projects - energy efficiency and green house gas emissions reduction - analysis - selection considerations - reports on reductions.
4.16.040 Proprietary purchases.
4.16.050 Emergency purchases.
4.16.070 Petty cash purchases.
4.16.075 Credit card payments by officers and employees.
4.16.080 Rules and regulations for the solicitation and purchase of professional or technical service contracts.
4.16.086 Public works contracts - state and county provisions on solicitation and award.
4.16.090 Rules and regulations for the lease or purchase of tangible personal property and the purchase of services other than professional and/or technical consultant services.
4.16.095 Direct voucher.
4.16.100 Collusion.
4.16.110 Cooperative purchasing.
4.16.120 Encumbrance of funds.
4.16.142 Qualification procedures.
4.16.144 Protest and appeal procedures.
4.16.145 Debarment and suspension.
4.16.150 Exemptions.
4.16.155 Negotiated procurements.
4.16.157 Authorization.
4.16.175 Reports on contracts for professional or technical services.

***For statutory provisions regarding competitive bidding for county public works contracts, see RCW 36.32.235 through 36.32.270.**

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4.16.005 Applicability of administration of procurement - federal or state preemption - limits on executive limitations. To ensure open, fair and competitive procurement processes, to establish a procurement system of quality and integrity, and to maximize the purchasing value of public funds, this chapter applies to contracts for the procurement of tangible personal property, services, professional or technical services and public work entered into by county elected officials, department heads and their designees. Except where exempt by state law, county ordinance or executive policy, county procurement shall be administered through the purchasing and contract services section to maximize economies of scale, consistency in county practices and accountability procedures.

When a procurement involves the expenditure of federal or state assistance, grants or funds, the manager shall conduct the procurement in accordance with this chapter unless the federal or state agency specifically requires otherwise. This chapter does not limit the authority of the executive to procure tangible personal property, services, professional or technical services, or public work in a manner otherwise provided for in law. (Ord. 16854 § 1 , 2010).

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

A. "Bid" or "proposal" means an offer to provide tangible personal property, services, technical or professional services and public work in response to a solicitation for bids or proposals issued by the county.

B. "Bidder," or "proposer" means a person, firm, partnership or corporation that formally submits a bid, proposal or offer to provide tangible personal property, services, professional or technical services and public work to the county in response to a solicitation for bids or proposals or request for qualifications issued by the county.

C. "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, and that obligates the county to pay therefor.

D. "Manager" means the manager of the finance and business operations division.

E. "Metropolitan function" means a function or functions authorized by RCW 35.58.050, approved by the voters, and assumed by the county in accordance with RCW 36.56.010.

F. "Professional or technical services" means those services provided by independent contractors:

1. Within the scope of architecture, accounting, engineering, landscape architecture, law, financial or administrative studies, feasibility studies of a scientific or technical nature, management advisory services and special project management for a defined time or result or other practice that requires specialized knowledge, advanced education or professional licensing or certification; and

2. Where the primary service provided is mental or intellectual involving the consistent exercise of judgment and discretion or the provision of specialized skills.

G. "Public work" means all work, construction, alteration, enlargement, repair, demolition or improvement other than ordinary maintenance executed at the cost of the county or which is by law a lien or charge on any property therein.

H. "Rolling stock" as used throughout this chapter shall mean revenue producing vehicles, including buses, vans, cars, railcars, locomotives and trolley cars.

I. "Services", except for professional or technical services, means the furnishing of labor, time or effort by a contractor, not involving the delivery of tangible personal property, other than reports that are merely incidental to the required performance.

J. "Tangible personal property" means equipment, supplies, materials, goods and rolling stock. (Ord. 16854 § 2, 2010: Ord. 14199 § 64, 2001: Ord. 12138 § 6, 1996).

4.16.025 Submittal and opening of bids and proposals.

A. Sealed bids shall be received by the manager at such locations as the manager shall designate. Bids shall be submitted as follows: Bids shall be sealed and shall be mailed or delivered and received at the location designated by the manager up to the time and date specified on the invitation to bid, where such bids shall be time-recorded and initialed by a county representative. After the expiration of the time for the receipt of bids, the bids will be publicly opened and read. The county reserves the right to reject any bid, any portion of any bid, or all bids and to waive immaterial irregularities or any other requirement in accordance with applicable law.

B. Proposals shall be received by the manager at such locations as the manager shall designate. Proposals shall be submitted as follows: Proposals shall be sealed and shall be mailed or delivered and received at the location designated up to the time and date specified in the request for proposal, where such proposals shall be time recorded and initialed by a county representative; provided however, that if the manager promulgates procedures by which proposals may be submitted electronically, and the request for proposal provides that proposals may be submitted in such a manner, the proposer may elect to submit its proposal either by the sealed or by the electronic manner. After expiration of the time for receipt of proposals, a submittal list shall be compiled and made public. (Ord. 14199 § 65, 2001: Ord. 12138 § 7, 1996).

4.16.030 Exceptions to bidding for the lease or purchase of tangible personal property and services or the solicitation of proposals and qualifications and subsequent purchase of professional and/or technical service. In accordance with the provisions of RCW 36.32.245 and 36.32.253 and this chapter, the executive is granted authority to let any contract, lease or purchase of tangible personal property or services, other than professional or technical services, involving less than twenty-five thousand dollars, without advertisement and without formal, sealed bidding. The executive is also granted the authority to let any contract for the purchase of professional or technical services without a formal solicitation of proposal process where the value of the contract to the consultant will not exceed twenty-five thousand dollars. When leasing or purchasing tangible personal property or services, other than professional or technical services, between five thousand dollars and twenty-five thousand dollars, the executive shall be responsible for securing either telephone or written quotations, or both, from vendors or prospective contractors to assure establishment of a competitive price, and for awarding such contracts to the lowest responsible bidder or proposer. When awarding a professional or technical services contract having a value to the contractor of less than twenty-five thousand dollars, the executive shall obtain proposals from similarly qualified proposers to ensure a competitive process, and strive to select the most qualified proposer, having given due regard to experience and expertise and other relevant factors, and after the award of any contract pursuant to this section, the bids or proposals obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. (Ord. 16210 § 1, 2008: Ord. 12138 § 8, 1996).

4.16.035 Capital improvement projects - energy efficiency and green house gas emissions reduction - analysis - selection considerations - reports on reductions.

A. For the purposes of this section, "incremental project cost" means the additional cost, if any, in design, procurement, and construction and long term maintenance for achieving a reduction in energy usage or greenhouse gas emissions greater than the reduction that would be achieved under the applicable building code requirements.

B.1. The executive shall require the architect, engineer or energy performance contractor to develop a written analysis to be delivered to the project manager before the completion of the project's design for all county capital improvement projects, including new construction, remodeling and energy-saving performance contracts and equipment retrofits and replacement:

a. that include at least two hundred fifty thousand dollars of costs for powered equipment; and

b. for which reasonable alternatives appear to be available for reducing energy usage by at least ten percent below applicable building code requirements or reducing greenhouse gas emissions.

2. The analysis shall include, at a minimum:

a. options to achieve a reduction in energy usage of at least ten percent below levels that would be achieved under applicable building code requirements;

b. any reasonable options to achieve greenhouse gas emissions reductions;

c. identification of all available financial incentives from utility companies or other parties for achieving a reduction in energy usage or greenhouse gas emissions;

d. a financial analysis of the incremental project cost for achieving the reductions in energy usage based on a life-cycle cost analysis that calculates net present value of the incremental cost, net of any financial incentives from utilities or other outside sources, and the operational and utility savings for a period of not more than fifteen years, unless specifically justified by the attributes of the project; and

e. a financial analysis of the incremental project cost for implementing any reasonable options for achieving the reductions in greenhouse gas emissions based on a life-cycle cost analysis that calculates net present value of the incremental cost, net of any financial incentives from utilities or other outside sources, and the operational and utility savings for a period of not more than fifteen years, unless specifically justified by the attributes of the project.

3. The written analysis required in subsection B.1 shall apply to county capital improvement projects for which design work is commenced after the effective date of this ordinance.

C. The project manager shall consider the financial analysis and life-cycle cost analysis in the selection of the alternative under subsection B. of this section, with a goal of selecting the alternative that meets the county's operational needs and that will result in a reduction of energy usage and greenhouse gas emissions and for which the life-cycle cost analysis of the incremental project cost demonstrates that there would not be an additional cost to the county. Documentation of the decision must be provided if an alternative is selected that does not reduce energy consumption or greenhouse gas emissions, or if an alternative is selected for which the financial analysis in subsection B. of this section determines that there will be an incremental cost.

D. For a project under subsection B. of this section, where a financial incentive from a utility is available and the county has decided to pursue the incentive, the project manager shall be responsible for ensuring completion of all requirements of the utility's incentive.

E.1. For a project under subsection B. of this section, upon the expiration of the project's construction warranty period, the department shall report the energy reduction and greenhouse gas emissions achieved as a result of the project and the total rebates and grants received from utilities or other parties as compared to the projected outcomes in energy usage and greenhouse gas emissions, and any financial incentives identified in the financial analysis required in subsection B.3. of this section. After the initial report, the project's actual versus projected energy usage and greenhouse gas emissions shall be monitored for at least three years, using the county's energy accounting software or other measurement tools as appropriate based on the size and complexity of the project.

2. The executive shall adopt written procedures outlining the methodology and process by which a project manager reports on the energy and greenhouse gas emissions reductions achieved as a result of the project and the annual monitoring of energy and greenhouse gas emissions reduction. The procedures shall include a process for identifying those projects that include at least two hundred fifty thousand dollars of costs for powered equipment, but for which reasonable alternatives were unavailable for reducing energy consumption by at least ten percent below applicable building code requirements. The procedures shall include a reporting mechanism by which the data in subsection E.1. of this section is compiled, summarized and transmitted to the council. (Ord. 16927 § 2, 2010).

4.16.040 Proprietary purchases.

A. The competitive procurement provisions of this chapter shall not apply to the lease or purchase of tangible personal property or to services of any kind that are clearly and legitimately limited to a single source of supply or that involve special facilities or special market conditions in which instances the lease or purchase price shall be established by direct negotiations by the manager. Executive approval is required for such leases or purchases in excess of twenty-five thousand dollars.

B. Notwithstanding subsection A. of this section, the competitive bidding requirements for public works may not be waived on the basis of a single source of supply, special facilities or special market conditions. (Ord. 16609 § 1, 2009: Ord. 14199 § 66, 2001: Ord. 12138 § 9, 1996).

4.16.050 Emergency purchases.

A. 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 K.C.C. chapter 12.52 reciting the facts constituting the same. Upon issuance of such a determination or proclamation the executive may issue a waiver of the requirements of 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 professional and/or technical service consultant contracts. Such 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. chapters 4.18, 12.16 and K.C.C. 12.18.095, pursuant to 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 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 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 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.

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 contracting provisions of K.C.C. chapters 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 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. (Ord. 16639 § 1, 2009: Ord. 12163 § 2, 1996: Ord. 11788 § 2, 1995: Ord. 10581 § 3, 1992: Ord. 6172 § 11, 1982: Ord. 4551 § 6, 1979: Ord. 3441 § 5, 1977).

4.16.070 Petty cash purchases. Various departments or agencies of the county regularly have requirements for minimal cost purchases, and the cost of competitive purchasing to the county in these instances is greater than the benefits. The manager shall establish a petty cash fund for open market purchases of miscellaneous items, total purchase price not to exceed one hundred dollars. Individual departments or agencies may effect these minimal cost purchases directly. The manager will authorize the reimbursement to each department, office or employee authorized to make such petty cash expenditures upon delivery of vendor's sales receipt. The authorized designee of the department or office will certify the vendor's paid sales receipt and deliver same for reimbursement. (Ord. 14199 § 67, 2001: Ord. 12138 § 10, 1996).

4.16.075 Credit card payments by officers and employees.

A. The manager shall implement the following system for the authorization, distribution, control, implementation and administration of credit cards by officers and employees:

1. Credit cards may be distributed to those county officers and employees who, in the opinion of the manager, have job responsibilities that would benefit from, or otherwise be facilitated by, the use of a credit card;

2. Credit cards may only be used for purchases or acquisitions the user would be authorized to make with county cash, purchase order, or voucher;

3. Credit cards may not be used for cash advances;

4. The manager shall develop and implement policies and procedures and accounting controls to ensure the proper usage of credit cards and credit card funds including compliance with county code and county purchasing policies and procedures;

5. Credit cards may be required to be immediately surrendered if used in a manner inconsistent with county code or county policies or procedures;

6. The manager shall set credit limits on each credit card issued; and

7. The manager shall establish and implement a written procedure for the payment of all credit card bills.

B. The manager may adopt any additional policies and procedures the manager determines are necessary to implement, and are not inconsistent with, this chapter. (Ord. 16651 § 1, 2009).

4.16.080 Rules and regulations for the solicitation and purchase of professional or technical service contracts.

A. The rules and regulations stipulated in this section shall apply only to professional or technical service contracts.

B. Consultant contracts for preparation of environmental documents prepared as required by the state Environmental Policy Act, chapter 43.21C RCW, are exempt from the requirements of this chapter.

C. Contracts for architect and engineering services shall be let in accordance with the requirements of chapter 39.80 RCW.

D. In soliciting and recommending award of a professional or technical services contract having a value to the contractor in excess of twenty-five thousand dollars, the manager shall have the operational responsibility to:

1. Develop proposal specifications or a project description in the form of a request for proposal in concert with the requesting department or office.

2. Develop, with the requesting department or office, the written criteria which will be used to determine which written proposal(s) shall be accepted as the basis for recommending contract award. Such determination at a minimum shall include:

a. quality;

b. known and documented expertise of the applicant;

c. documentation, as required, and demonstration of the financial capability of the party to perform specified work;

d. special consideration of the impact of affirmative action, including minority and women's business enterprise participation.

3. Publicly advertise at least once the purpose, scheduled date, location, and time of a preproposal conference, or the name of a contact person from whom the project specifications shall be available. The purposes of prior notification shall be to distribute and discuss the project specifications in the form of a request for proposal to interested parties, and inform applicants of the stated time frame for submission.

4. Recommend to the executive which proposal or proposals should be awarded a contract(s) as being in the best interests of the county.

5. Be responsible to address all necessary comments to other proposers, interested parties or the general public regarding the decision by the county to contract for services from a party to the exclusion of other proposers.

6. Include in contracts that provide for reimbursement of contractor travel and meal expenses a provision that limits such reimbursements to eligible costs based on the rates and criteria established in K.C.C. chapter 3.24. (Ord. 14199 § 68, 2001: Ord. 13257 § 17, 1998: Ord. 12138 § 11, 1996).

4.16.086 Public works contracts - state and county provisions on solicitation and award. The manager shall solicit and award all county public works contracts in accordance with the authority granted by state law, as set forth in Title 36 and Title 39 RCW and all other applicable provisions of the RCW, and any additional requirements prescribed by county ordinance, policy, rule or procedure established by the executive or the executive's designee. (Ord. 16854 § 5, 2010).

4.16.090 Rules and regulations for the lease or purchase of tangible personal property and the purchase of services other than professional and/or technical consultant services. The manager or the manager's designee shall have prepared and shall approve and advertise for bids of all county solicitations for the lease or purchase of tangible personal property and the purchase of services (other than professional and/or technical consultant services) in excess of twenty-five thousand dollars, and such solicitations shall be consistent with applicable state of Washington statutes, including RCW 36.32.245, RCW 36.32.253 and RCW 39.04.190. All purchases or contracts made by the manager or the manager's designee shall be awarded to the lowest responsible bidder. Any or all bids may be rejected for good cause. (Ord. 14199 § 70, 2001: Ord. 10581 § 6, 1992: Ord. 6707, 1984: Ord. 4551 § 7, 1979: Ord. 3441 § 8, 1977).

4.16.095 Direct voucher.

A. Direct voucher purchases by individual departments and offices shall not exceed five thousand dollars without approval by ordinance passed by the council.

B. It shall be the responsibility of the manager to report to the council no later than April 30 of each year direct voucher activity for the previous year on a department by department basis. The report shall include, but not be limited to, an identification of problems regarding inappropriate use of direct vouchering and corrective actions implemented by the executive. (Ord. 16210 § 2, 2008: Ord. 14199 § 71, 2001: Ord. 12138 § 12, 1996).

4.16.100 Collusion. Regardless of whether bids or proposals have been solicited by the county for the purchase of tangible personal property or the performance of service(s), it shall be the duty of the manager to report to the executive any suspected collusion and may order such suspected collusion reported to the proper federal authorities charged with enforcement of the federal antitrust laws and to the Antitrust Division of the Office of the Attorney General of the state of Washington. (Ord. 14199 § 72, 2001: Ord. 12138 § 13, 1996).

4.16.110 Cooperative purchasing. The manager shall have authority to join with other units of government in cooperative purchasing when the best interests of the county would be served thereby; provided, that each of the participating units shall be separately invoiced by the vendors for such purchases and the county shall not be obligated for purchases other than those required for its own use. Whenever supplies, materials, equipment and services are purchased for the county by federal, state or local governments, such purchases may be accomplished in the manner prescribed by the provisions of applicable law, charter or chapter of such federal, state or local governments, rather than the provisions of this chapter. (Ord. 14199 § 73, 2001: Ord. 12138 § 14, 1996).

4.16.120 Encumbrance of funds. Except in emergency, no order for delivery on a contract or open market order for supplies, materials, equipment or contractual services for any department or office shall be awarded until the department director or chief officer has certified that the encumbered balance in appropriation or appropriations concerned, in excess of all unpaid obligations, is sufficient to defray the cost of such order. (Ord. 12138 § 15, 1996).

4.16.142 Qualification procedures. The manager is hereby authorized to establish procedures for qualifying tangible personal property and services prior to procurement of such items. Under such procedures, only tangible personal property and services that are determined to meet the qualifying criteria will be acceptable in the subsequent procurement. (Ord. 14199 § 76, 2001: Ord. 12138 § 16, 1996).

4.16.144 Protest and appeal procedures. The executive shall establish procedures for considering and determining bid and proposal protests and appeals. The executive shall render the final administrative determination on all such protests and appeals. (Ord. 12138 § 17, 1996).

4.16.145 Debarment and suspension. The executive shall comply with the following procedures in contract debarment and suspension actions.

A. After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the executive shall have authority to debar a person, firm or other legal entity for cause from consideration for award of contracts with the county. The debarment shall be for a period of not more than two years.

B. The executive shall have the authority to suspend a person, firm or other legal entity from consideration for award of contracts if there is probable cause for debarment. The suspension shall be for a period of not more than six months.

C. The authority to debar or suspend shall be exercised in accordance with procedures established by the executive.

D. The causes for debarment or suspension include the following:

1. Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;

2. Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a contractor to the county;

3. Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;

4. Violation of contract provisions, such as the following, of a character which is regarded by the executive to be so serious as to justify debarment action:

a. deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract, or

b. substantial failure to comply with commitments to and contractual requirements for participation by minority and women's business enterprises and equal employment opportunity, or

c. a recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts; provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment;

5. Violation of ethical standards set forth in contracts with the county; or

6. Any other cause the executive determines so serious and compelling as to affect responsibility as a contractor to the county, including debarment by another governmental entity for any cause similar to those set forth herein.

E. The executive shall issue a written decision stating the reasons for the debarment or suspension. Such decision shall be promptly mailed or otherwise furnished to the debarred or suspended person and any other party intervening.

F. The executive's decision of debarment or suspension, unless fraudulent, shall constitute the final and conclusive decision on behalf of the county. After a final decision has been made, the executive shall submit a report to the council giving the name of the person, firm or other legal entity suspended or debarred and the reason(s) for such suspension or debarment. (Ord. 12138 § 18, 1996).

4.16.150 Exemptions. Contracts with the following organizations shall be entered into without regard to this chapter:

A. Youth Service Bureaus, including Center for Human Services;
B. Puget Sound Council of Governments;
C. King County Soil Conservation Service;
D. Air Pollution Control Service;
E. Seattle/King County Visitors Bureaus;
F. Economic Development District;
G. Pacific Science Center;
H. Seattle/King County Economic Development Council;

I. Eastside Visitors Bureau;
J. United Way;
K. United States Office of Personnel Management; and
L. Cultural development authority of King County.
(Ord. 14482 § 56, 2002: Ord. 8896 § 1, 1989: Ord. 7277 § 1, 1985: Ord. 6231 § 1, 1982).

4.16.155 Negotiated procurements.

A. The provisions of this section shall apply to contracts or procurements for services and professional or technical services for departments and offices. In addition, the provisions of this section shall apply to contracts or procurements for tangible personal property acquired in furtherance of metropolitan functions. Unless otherwise provided herein, all other ordinances relating to procurement, bidding or contract procedures shall apply to contracts or procurements which are in furtherance of metropolitan functions. In the event there are inconsistencies between this section and any other ordinance, this section shall control.

B. If the manager determines that soliciting competitive sealed bids is not in the best interest of the county, tangible personal property and services other than public works, the estimated cost of which is in excess of twenty-five thousand dollars, shall be let by contract under the following competitive sealed proposals procedures.

1. The manager shall cause a notice inviting statements of qualifications or statements of proposals to be published in a newspaper of general circulation throughout King County. The notice shall state generally the tangible personal property or services to be purchased and shall call for statements of qualifications or statements of proposals to be submitted to the county on or before the day and hour named therein. The notice may be published in such additional newspapers or magazines and for such additional period of time as the manager shall deem to be in the best interest of the county. The request for statements of qualifications or statements of proposals shall state the relative importance of price and all other evaluation factors.

2. Discussions may be conducted with responsible offerors to determine which proposals should be evaluated in more detail or which offerors should be requested to enter into negotiations, or both. Negotiations may be conducted concurrently or sequentially. The county may request clarifications and consider minor adjustments in the proposals in order to better understand the proposals and to qualify them for further consideration; provided, that information discussed or obtained from one offeror shall not be disclosed to competing offerors during the discussions and negotiations. Except to the extent protected by state and/or federal laws and regulations, proposals shall be considered public documents and available for review and copying by the public after a decision to award the contract is made.

3. Award shall be made, if at all, to a responsible offeror or offerors whose proposal or proposals are determined to be the most advantageous to the county, taking into consideration price and the other established evaluation factors. (Ord. 14199 § 77, 2001: Ord. 12138 § 19, 1996).

4.16.157 Authorization. The manager is hereby authorized to take all actions necessary and appropriate to implement the policies and provisions set forth in this chapter, and to promulgate such rules, regulations and guidelines as the manager deems necessary to carry out the purposes or provisions of this chapter; provided, that such rules, regulations and guidelines shall be promulgated in compliance with K.C.C. chapter 2.98. (Ord. 14199 § 75, 2001: Ord. 12138 § 22, 1996).

4.16.175 Reports on contracts for professional or technical services.

A. Each year the manager shall submit to the executive a report on contracts awarded for professional or technical services which exceeded twenty-five thousand dollars and for which other than capital funds were committed. The report shall cover the period July 1 of a year through June 30 of the following year. The report shall provide the following information for each contract included in the report:

1. The name of the department and division for which the services were provided;
2. The name of the project or program for which the services were provided;
3. The name of the firm awarded the contract;
4. The type of professional or technical services to be provided;
5. Whether a competitive or sole source procurement process was used;
6. The contract amount;
7. The source of funding; and
8. The starting and projected ending dates of performance.

B. The executive shall include a copy of the report with the annual executive proposed budget submitted as required by ordinance and charter. The executive shall also insure that detailed budget information for appropriation units includes the amount for projected professional and technical services contracts for the next budget year. (Ord. 14199 § 79, 2001: Ord. 12138 § 23, 1996).

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Chapter 4.18
MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Sections:

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4.18.007 Purpose. The purpose of this chapter is to remedy the effects of discrimination by increasing the opportunities for minority and women's businesses to provide goods and services to King County by using reasonably achievable goals. (Ord. 9609 § 3 B, 1990)

4.18.010 Definitions. All words shall have their ordinary and usual meanings except those defined in this section which shall have in addition, the meaning set forth below. In the event of conflict, the specific definition spelled out below shall presumptively, but not conclusively prevail.

A. "Administrator" shall mean the manager of the minority and women's business enterprises and contract compliance division.

B. "Affirmative Action Plan" shall mean the written, formal county policy adopted annually, stating the goals and programs of county government to be performed in the areas of contract compliance, equal employment opportunity and minority/women's business contracting.

C. "Affirmative Efforts" shall mean making vigorous, documented attempts in good faith to contact and contract with minority/women's businesses. Where affirmative efforts are required by, or are grounds for, waiving provisions of this chapter, the administrator's determination shall be based on procedures to be outlined in accordance with the dictates of this chapter.

D. "Agency Contracts" shall mean those contracts not subject to the usual competitive procurement requirements and which result in the provision of services to county residents such as legal public defense, mental health, and drug and alcohol treatment.

E. "Architectural and Engineering Contracts" shall mean contracts for the performance of architectural and engineering services by licensed and registered firms and persons acting as consultants to the county.

F. "Broker" shall mean a business which purchases goods or services from another business or businesses for the sole purpose of resale to the county or a contractor doing business with the county.

G. "Certification" shall mean the process by which the Office of Minority and Women's Businesses of the State of Washington determines a business meets the criteria for a minority-owned business enterprise, a women-owned business enterprise, and/or a combination minority and women's business enterprise as set forth in WAC chap. 326-02 and WAC chap. 326-20.

H. "Combination Minority and Women Business" means a business certified as a combination minority and women's business enterprise by the Office of Minority and Women's Businesses of the State of Washington which is 50% legitimately owned and controlled by minority males or minority businesses as defined in this chapter.

I. "Commercially Useful Function" shall mean the performance of real and actual services in the discharge of any contractual endeavor. The contractor must perform a distinct element of work which the business has the skill and expertise as well as the responsibility of actually performing, managing and supervising. In determining whether a business is performing a commercially useful function, factors, including but not limited to the following, will be considered:

1. Whether the business has the skill and expertise to perform work for which it is being/has been certified;

2. Whether the business actually performs, manages and supervises the work for which it is being/has been certified; and

3. Whether the business purchases goods and/or services from a non-minority/women's business enterprise and simply resells goods to the county, county contractor, or other person doing business with the county for the purpose of allowing those goods to be counted towards fulfillment of minority/women's business enterprise utilization goals.

J. "Concession Contracts" shall mean those contractual arrangements for the sale of food, beverages and/or items of personal property at any facility owned and/or managed by the county.

K. "Conduit" shall mean a minority/women's business with which a contractor has agreed to subcontract, when the minority/women's business does not perform the subcontract, and instead the subcontract is performed by a non-minority/women's business.

L. "Public Work Contracts" shall include all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the county.

M. "Contract Awarding Authority" shall mean any person with the power to enter into a contractual arrangement binding the county and shall also mean the particular office, agency or division on whose behalf the contract is entered. In addition, this term shall include, but shall not be limited to heads of county departments, divisions or offices.

N. "Contractor" shall mean any person, partnership, corporation, or other type of business entity which has a contract with the county or serves in a subcontracting capacity with an entity having a contract with the county for the provision of goods and/or services, including but not limited to consultant, professional, non-professional and technical services and public work.

O. "Department" shall refer to any department as defined by county ordinance or other applicable law and shall include all county agencies not associated with a department. These agencies shall similarly discharge those duties this chapter requires of departments and shall include the county prosecuting attorney, the county assessor, and the county council.

P. "Director" shall mean the directors of executive departments and chief officers of administrative offices.

Q. "Front" shall mean a business which purports to be a minority/women's business but which is actually owned and/or controlled in a manner which is inconsistent with the requirements of certification.

R. "Joint venture" shall mean an association of two or more persons, partnerships, corporations or any combination of them, established to carry on a single business activity which is limited in scope or direction. The degree to which a joint venture may satisfy relevant utilization goals cannot exceed the proportionate interest of the minority/women's business held as a member of the joint venture in the work to be performed. The agreement establishing the joint venture, partnership or other multi-entity relationship shall be in writing. Further, minority/women's participation in a joint venture shall be based on the sharing of real economic interest in the venture and shall include proportionate control over management, interest in capital acquired by the joint venture, and interest in earnings.

S. "Legitimately Owned and Controlled" shall mean for the purpose of determining whether a business is a "minority business" that minorities shall possess:

1. Ownership of at least fifty-one percent interest in the business, unless the minority business qualifies as a corporate sponsored dealership under the provisions of WAC 326-02-030. The ownership shall be real and continuing, and shall go beyond the pro forma ownership of the business reflected in the ownership documents. The minority owner(s) shall enjoy the customary incidents of ownership and shall share in the risks and profits commensurate with their ownership interests, as demonstrated by an examination of the substance, rather than the form, of arrangements.

2. Control over management, interest in capital, interest in profit or loss and contributions to capital, equipment and expertise on which the claim of minority-owned status under this chapter is based. The minority owners must possess and exercise the legal power to direct the management and policies of the business and to make day-to-day as well as major decisions on matters of management, policy, and operations. If the owners of the business who are not minorities are disproportionately responsible for the operation of the business, then the business is not controlled by minorities. The business must be owned, controlled, and managed on a day-to-day, full-time basis by the minority owner(s). The requirements of this subsection S.2. shall not apply, if the minority business qualifies as a corporate sponsored dealership under the provisions of WAC 326-02-030.

3. Ownership and control shall be measured as though not subject to the community property interest of a spouse if both spouses certify that:

a. only one spouse participates in the management of the business;

b. the nonparticipating spouse relinquishes control over his/her community property interest in the subject business.

T. "Metropolitan functions" shall mean those function(s) authorized by RCW 35.58.050, approved by the voters, and assumed by the county pursuant to RCW 36.56.010.

U. "Minority Business" means a business certified by the Office of Minority and Women's Businesses of the State of Washington as a minority business enterprise which is legitimately owned and controlled by a minority person or persons as defined in this section and which has previously sought to do business in King County. The executive is authorized to determine that specific racial groups have not been discriminated against in their ownership and/or operation of particular trades or areas of business in King County. The executive may exclude such businesses from consideration as "minority businesses" under this chapter, in connection with contracts involving such trades or areas of business, as provided in Section 4.18.080.

V. "Minority or Minorities" means a person who is a citizen or lawful permanent resident of the United States and who is a member of one or more of the following historically disadvantaged racial groups:

1. Black or African American: Having origins in any of the Black racial groups of Africa;

2. Hispanic: Of Mexican, Puerto Rican, Cuban, or Central or South American culture or origin;

3. Asian American: Having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands; or

4. American Indian or Alaskan Native: Having origins in any of the original peoples of North America.

The executive shall have discretion to make a final decision as to whether an individual is a minority.

W. "Nonprofit Corporation" shall mean a corporation organized pursuant to RCW Ch. 24.03. In the case of nonprofit corporations organized under the laws of a state other than Washington, a nonprofit corporation shall mean one organized for one or more of the purposes set forth in RCW 24.03.015 and meeting the definitions in RCW 24.03.005.

X. "Pass-Through" means buying or obtaining goods from a non-women's business, non-minority business or non-combination women/minority business, and reselling or transferring those goods to the county, county contractors or other persons doing business with the county for the purpose of obtaining any advantage or benefit conferred under this chapter, without performing a commercially useful function.

Y. "Percentage Factor" shall mean the special ranking factors established by this chapter to be applied in certain competitive bid situations where minority/women's businesses respond to solicitation or are included as subcontracts in responding parties' responses to solicitation.

Z. "Responding Party" shall mean any person, partnership, corporation or business entity which makes a proposal as defined in this chapter in response to a solicitation as defined in this chapter.

AA. "Service Contracts" shall mean those contractual arrangements made for the procurement of all services including expert personal, professional, technical, and consultant services. Consultant services shall include legal services provided to the county but shall not include architectural and engineering contracts as defined by this chapter.

BB. "Set Aside" shall mean that proportion of each contract which is designated for participation of minority/women's businesses as established by this chapter.

CC. "Small Business Concern" means a small business as defined pursuant to Section 3 of the federal Small Business Act and relevant regulations promulgated thereto.

DD. "Solicitation" shall mean a contract awarding authority's request for the provision of any one or more of the following: goods and services of any kind, equipment leases, and rentals/purchase of space. Solicitation shall include requests for proposals, invitations to bid and similar items. "Solicitation specifications," shall mean any documents, literature or other information accompanying a solicitation which provides additional data regarding the contract awarding authority's request.

EE. "Tangible Personal Property Contracts" shall mean, but not be limited to, those contracts which are awarded by the county for the purchase of equipment, supplies, materials, goods and rolling stock (revenue producing buses, vans, cars, railcars, locomotives, and trolley cars and buses).

FF. "Utilization Goals" shall mean those separately designated annual goals for the use by the county of minority/women's businesses. The goals shall be expressed as a numerical percentage of the total dollar value of all contracts to be awarded by the county. These goals shall be applicable to businesses organized for profit, along with governmental agencies and quasi-governmental agencies, unless the agencies are specifically excepted by or in accordance with the provisions of this chapter.

GG. "Utilization Requirements," shall mean those efforts which the responding parties, the county and the particular department shall make to meet the county's utilization goals, including but not limited to the percentage factors and set aside requirements established by this chapter.

HH. "Violating Party," shall mean a person or entity which has violated a provision or provisions of this chapter.

II. "Waiver Statement," shall mean a written statement directed to the administrator containing reasons why any provision or provisions of this chapter shall not apply to a particular person, partnership, corporation, business entity, contract awarding authority, department, or other entity. Where a waiver or waivers are granted, the utilization goals shall be applied in a manner so as to reflect the loss of the monetary value of those contracts exempted from the requisites of this chapter.

JJ. "Women's Business," means a business certified by the Office of Minority and Women's Businesses of the State of Washington as a women's business enterprise and which has previously sought to do business in King County. The executive is authorized to determine that women as a class have not been discriminated against in their ownership and operation of particular trades or areas of business in King County. The executive may exclude such businesses from consideration as "women's businesses" under this chapter, in connection with contracts involving such trades or areas of business, according to the procedure provided for in Section 14.18.080. (Ord. 12026 § 2, 1995).

4.18.020 Powers and duties.

A. In addition to the powers and duties given to the executive elsewhere in this chapter, the executive shall, through the administrator, have responsibility for administering, monitoring and enforcing the goals and requirements identified in this chapter.

B. The administrator shall:

1. Establish rules, regulations, and procedures for implementing and administering this chapter;
2. Recommend to the executive annual utilization goals for the county;
3. Have the authority to enter into cooperative agreements with other government agencies concerned with increasing the participation of minority/women's businesses in government contracting;
4. With the advice of contract awarding authorities, formulate and periodically update a plan to make minority/women's businesses aware of contracting opportunities with the county; and
5. Review all county solicitation lists and where possible, place minority/women's businesses on such lists. These lists shall be updated periodically. (Ord. 12026 § 3, 1995).

4.18.030 Utilization goals. Upon the completion of the disparity study called for in Ordinance 11564 and in conjunction with recommendations to the council resulting from that study and every three years thereafter, the administrator shall submit to the executive for approval proposed utilization goals for the county for the following three year period. Separate utilization goals shall be established for the use of minority businesses and for the use of women's businesses. These utilization goals shall be established separately for each of the following types of contracts: architectural and engineering contracts, public work contracts, service contracts, concession contracts, and tangible personal property contracts. The utilization goals shall be transmitted with the minority and women's business enterprises and contract compliance division's annual report to the council for approval. Existing utilization goals shall remain in effect until newly submitted ones receive final council approval.

A. The utilization goals shall be reasonably achievable. To the extent that relevant information is available, the utilization goals shall be based on the following factors:

1. By contract category, the number of firms certified by the State Office of Minority and Women's Business Enterprises, seeking to do business with the county as either prime or subcontractors;
2. By contract category, the total number of firms seeking to do business with the county as either prime or subcontractors;
3. By contract category, the geographic area of competition;
4. By contract category, the capacity and/or capability of certified minority and women's businesses seeking to do business with the county compared with the capacity and/or capability of non-minority and non-women's businesses seeking to do business with the county;
5. By contract category, the number of minorities and women with requisite skills in related occupations;
6. By contract category, the affirmative action goals for minorities and women in related occupations;
7. By contract category, the rates of new entry by minorities and women into related training, educational fields, and occupations;
8. By contract category, what availability would be absent discrimination; and
9. By contract category, rates of entry of new minority and women's businesses compared to non-minority and non-women's businesses.

B. The following goals shall be the annual goals for all departments until such time as new goals are approved by the council:

Contract Category	MBE%	WBE%
Architecture/Engineering	17%	10%
Concessions	10%	5%
Public work	14%	8%
Service	6%	15%
Tangible personal property	10%	3%

(Ord. 12026 § 4, 1995).

4.18.040 Accomplishment of utilization goals.

A. For all contracts, accomplishment of utilization goals established by this chapter shall be based on the dollar amount of the contract in question. Accomplishment of the goals shall be calculated in the following manner:

1. General - The dollar value of any and all contracts awarded by a contract awarding authority to a minority/women's business shall be counted towards accomplishment of the applicable utilization goals.

a. The total dollar value of each contract awarded to businesses owned and controlled by both minority males and non-minority females shall be apportioned on the basis of the percentage of ownership to the utilization goals for minorities and women respectively.

b. The total dollar value of a contract with a minority/women's business owned and controlled by minority women shall be either counted toward the minority utilization goal or the goal for women, or apportioned on the basis of ownership between minorities and women, not to both.

2. Subcontracts - If a contractor uses subcontractors who are minority/women's businesses, the amount which is given to the minority/women's business for their work on the contract shall be credited towards meeting the applicable utilization goals.

3. Joint Ventures - Where one or more minority/women's businesses are participants in a joint venture with one or more non-minority or non-women's businesses, the amount of money received by the minority/women's business
enterprise shall be calculated in proportion to their participation in the joint venture in accomplishing the applicable utilization goals.

4. Supplies/Materials - The contract awarding authority or a prime contractor may count toward its utilization goals:

a. expenditures for materials and supplies obtained from minority/women's business suppliers and manufacturers; provided that, the minority/women's business assume the actual and contractual responsibility for the provision of the materials and supplies;

b. its entire expenditure made to a minority/women's business manufacturer; that is, a supplier that produces goods from raw materials or substantially alters them before resale;

c. the amount of the commission paid to minority/women's businesses and resulting from a particular contract with the county; provided that a minority/women's business supplier performs a commercially useful function in the process.

5. Brokers - Fronts - or Similar Pass-Through Arrangements. Businesses acting as brokers, fronts, conduits or similar pass-through arrangements shall not be certified as minority/women's business enterprises, unless the brokering service reflects normal industry practice and the broker performs a commercially useful function. Such businesses determined to be acting under these arrangements or persons who create such arrangements shall be subject to the penalties enumerated in this chapter.

B. The administrator shall calculate the accomplishment of utilization goals for the county. In the event of disputes regarding these calculations, a department may request review of the administrator's decision by the executive.

C. After having met their annual utilization goals, departments shall continue to make affirmative efforts to do business with minority/women's businesses.

D. The failure of a department or the county to meet the annual dollar utilization goals established from time to time by this chapter shall not constitute grounds for a lawsuit against a department or the county, provided that the department or the county has made affirmative efforts to meet those goals. The failure of a department to meet the requirements of this chapter shall be reviewed by the executive and corrective action taken where appropriate. (Ord. 12026 § 5, 1995).

4.18.050 Utilization requirements, general. In order to meet the utilization goals established in accordance with this chapter, efforts including but not limited to the following shall be made:

A. The administrator shall design a technical assistance, business development and outreach program. This program shall include the following elements:

1. A county-wide, industry-wide, regularly-scheduled contractor orientation program to promote compliance with and understanding of the provisions of this chapter and K.C.C. 12.16;

2. Feasible options for bonding, insurance, and banking assistance for minority-owned and women-owned businesses;

3. A county-wide program, designed to assist departments in enhancing opportunities for minority-owned and women-owned businesses;

4. A fully-developed and maintained resource list, to include all available resources state-wide for minority-owned and women-owned businesses; and

5. Such other program options as would serve to assist minority-owned and women-owned businesses in overcoming the barriers of past and present discrimination.

B. In conjunction with the administrator, each division within each department shall annually formulate a plan for achieving the purposes of this chapter, which plan shall be submitted to the administrator for review. Each plan should include a forecast of contracts to be administered by the division, including estimates of the number, probable monetary value, if known, and type of contracts to be awarded, and the estimated solicitation dates. In addition, each plan should include methods and suggestions for encouraging the development and participation by MWBs in such contracts.

C. Prior to entering into any contract, the contract awarding authority shall:

1. Make affirmative efforts to solicit proposals from minority/women's businesses; and

2. Examine alternatives for arranging contracts by size and type of work so as to enhance the possibility of participation by minority/women's businesses.

D. Prior to submitting any bid, proposal, or other response to a solicitation for which subcontractors may be used, responding parties shall make good faith affirmative efforts to contact, solicit bids and proposals from, and use minority/women's businesses.

E. The following shall be included in the body of the contract document in any and all contracts signed between the county and a contractor:

1. A provision indicating that this chapter is incorporated by reference into any and all county contracts and failure to comply with any of the requirements of the chapter by a contractor will be considered a breach of contract.

2. A requirement that during the term of the contract the contractor shall comply with, as to tasks and proportionate dollar amounts throughout the term of the contract, all requirements for the use of minority/women's businesses. In the absence of a waiver, minority/women's businesses which for any reason no longer remain associated with the contract or the contractor shall be replaced with other certified minority/women's businesses in accordance with procedures established by the administrator.

3. A provision prohibiting any agreements between a responding party and a minority/women's business in which the minority/women's business promises not to provide subcontracting quotations to other responding or potential responding parties.

4. The requirement of maintenance of relevant records, and information necessary to document compliance with this chapter and the contractor's utilization of minority and women's businesses in its overall public and private business activities, and shall include the right of the county to inspect such records.

5. A provision requiring the payment of specific liquidated damages in the event a contractor fails to perform a commercially-useful function and/or operates as a broker, front, conduit or pass-through, with the amount of liquidated damages established in advance by the administrator based on the type of contract involved. The provision should include the following language: The purpose of King County's minority/women's business ordinance is to provide a prompt remedy for the effects of past discrimination. The county in general, and this program in particular, are damaged when a contract, or portion of a contract, to be performed by a minority/women's business is not actually performed by a minority/women's business enterprise in compliance with K.C.C. 4.18. Because the actual amount of such damage is not reasonably calculable, the parties agree and stipulate that liquidated damages equal to the dollar value of the utilization by certified and recognized businesses lost to the county due to the violation, not to exceed 10 percent of the dollar value of the contract, shall be the amount required to compensate the county for resulting delays in carrying out the purpose of the program, the costs of meeting utilization goals through additional contracts, the administrative costs of investigation and enforcement and other damages and costs caused by the violation. The contractor shall be liable to the county for such liquidated damages in the event the contractor or a subcontractor fails to perform a commercially useful function and/or operates as a front, conduit or pass-through, as defined in K.C.C. 4.18. (Ord. 12026 § 6, 1995).

4.18.060 Utilization requirements, specific.

A. In order to expedite achieving of the utilization goals established in accordance with this chapter, the following utilization requirements shall apply to all competitive bids and other responses to solicitation:

1. For all tangible personal property, service, and concession contracts and all architectural and engineering contracts, consultant contracts and public work contracts under ten thousand dollars, the administrator shall determine a percentage factor appropriate to offset the effects of discrimination in the industry involved, which percentage shall be used in determining which responding party is the lowest responsible bidder or best proposal:

a. Responding parties whose bids are within the percentage factor of the best proposal or the bid made by the lowest bidder shall be ranked in the following order:

First, minority/women businesses which will perform the entire contract unassisted and those minority/women's businesses which will exclusively use minority/women's businesses as subcontractors, suppliers or in similar assisting roles to the extent set forth above.

Second, minority/women's businesses which alone or as part of joint ventures serve as the prime contractor where minority/women's business participation is at least twenty-five percent of the dollar value of a contract;

Third, non-minority/non-women's businesses which use minority/women's businesses as subcontractors, suppliers, or in similar assisting roles in an amount equal to at least twenty-five percent of the contract amount; and

Fourth, non-minority/non-women's businesses which do not use minority/women's businesses as subcontractors, suppliers, or in similar assisting roles to the extent set forth above.

b. All responding parties within each particular ranking shall be grouped according to the amount of their bid or the evaluation score of their proposal as determined by the contract awarding authority, with low bidders and higher scoring proposals receiving the highest priority. The lowest bidder or higher scoring proposal within the highest ranking category shall be awarded the contract in question.

c. In determining the percentage factor to be used for a particular contract, the administrator shall consider the following factors:

(1) Price differentials between M/WBEs and non-MWBEs on previously-submitted bids;

(2) Standard industry costs;

(3) Standard industry profit margins;

(4) Availability of M/WBEs to perform as retailers, distributors, wholesalers and manufacturers, by commodity area; and

(5) Other pertinent facts.

d. Generally applied percentages shall be determined by commodity area.

2. For every public work, architectural and engineering, and service contract the following set aside requirements shall be met:

a. Contracts for public work, service and architectural/engineering services, the estimated cost of which exceeds ten thousand dollars, shall require responding parties to include in their responses to solicitation both minority and women's business participation in the contract in a percentage which equals or exceeds the percentages determined for the contract by the administrator. The administrator shall determine the percentages for each contract based on the extent of subcontracting opportunities presented by the contract and the availability of minority and women's business enterprises qualified to perform such subcontracting work. Such percentages may be higher or lower than the annual goals for the type of contract involved.

b. Where a contract is awarded to a minority or women's business which will perform at least twenty-five percent of the work, the set aside requirements of these subsections shall not apply.

c. To the extent practicable and except in extenuating or special circumstances, as determined by the administrator, responding parties shall identify the specific minority/women's businesses to be used in performing the contract, the dollar and/or percentage value of the participation, the work to be performed by each minority/women's business, and other information reasonable related to determining the responding parties' compliance with the county's minority/women's business requirements. In determining what information shall be submitted and when it shall be submitted, the administrator shall take into account the county's policies of maximizing opportunities for minority/women's businesses, simplifying paperwork requirements for bidders and proposers, and prohibiting bidders and proposers from shopping bids, proposals and offers from minority/women's businesses.

d. During the term of the contract, any failure to comply with the percentages of minority/women's business participation required for the bid or proposal shall be considered a material breach of contract. The dollar value of the total contract used for the calculation of the set-aside shall be increased or decreased to reflect executed change orders unless:

(1) a waiver is obtained in accordance with Section 4.18.070 after consultation among the contract awarding authority, the administrator and the contractor; or

(2) the department obtains a reduction in the amount of the set aside according to the procedure in paragraph B of this section.

B. Departments may request a reduction in the amount of the set aside for either or both minority business enterprises or women's business enterprises or in the percentage factor to be applied under the percentage preference method, by submitting the reasons therefor in writing to the administrator.

1. The administrator may grant such a reduction upon determination that:

a. The reasonable and necessary requirements of the contract render subcontracting or other participation of businesses other than the bidder or proposer infeasible at the adopted goal levels; or

b. Qualified minority and women's business enterprises capable of providing the goods or services required by the contract, are unavailable in the market area of the project, despite every feasible attempt to locate appropriate minority and women's business enterprises to meet adopted goals.

c. The available minority and/or women's businesses have given price quotes which are unreasonably high in that they exceed competitive levels beyond amounts which can be attributed to cover costs inflated by the present effects of discrimination.

2. Any reductions in set aside amount granted by the administrator shall specify the amount to which the set aside has been reduced.

C. Where this section specifies that a set aside or a percentage factor shall be used for a particular type of contract, the method specified is the preferred method for achieving the utilization goals. A department may use the other method in its solicitation documents for a specific contract if it determines that a method other than the one established by this section will be a more feasible method of achieving the annual utilization goal. In the event that a department chooses to use a method other than the one specified in this section, it shall include in its annual report to the executive as required by K.C.C. 4.18.080, documents demonstrating that a method other than the one established by this section is a more feasible method of achieving the annual utilization goal.

D. All solicitation documents shall include the applicable requirements of K.C.C. 4.18.050 and 4.18.060. In addition, documents shall include a provision prohibiting any agreement between a responding party and a minority/women's business in which the minority/women's business promises not to provide subcontracting quotations to other responding or potential responding parties. Bids, proposals and other responses which fail to meet the requirements of this section shall, within the limitations of federal and state law, be deemed non-responsive unless a waiver has been granted pursuant to K.C.C. 4.18.070.

E. The percentage factor and set aside requirements of this section shall not apply to contracts awarded for the remainder of any calendar year in which the contract awarding authority is determined by the administrator to have met the applicable county utilization goals as established by this chapter. The percentage factor and set aside provisions of this section shall again apply in each succeeding calendar year until the annual utilization goals for that year have been met by the contract awarding authority.

F. For the Kingdome food and beverage concession contract, the set aside method of achieving utilization goals shall apply.

G. The requirements of this section shall cease to apply to contracts awarded by the county and its departments on December 31, 1998, unless reenacted by the council. (Ord. 12956 § 1, 1997: Ord. 12026 § 7, 1995).

4.18.070 Waivers. Contract awarding authorities, along with or on behalf of responding parties and contractors, may apply for waiver of one or more requirements of this chapter as they apply to a particular contract or contracts.

A. Waivers may be granted by the administrator in any of the following circumstances;

1. When the needed goods and services are readily available from only one source, in which case the contracting awarding authority shall, in addition to the requirements contained in K.C.C. 4.16, submit a written justification of the need for sole source treatment to the administrator who shall grant or deny the request for waiver within three business days, provided the request is complete;

2. Emergencies, in which case emergency contracting shall be handled in accordance with the requirements of K.C.C. 4.16.

3. Contracts for which neither a minority nor a women's business is available to provide needed goods or services, in which case a waiver may be applied for in accordance with procedures to be developed by the administrator. Prior to granting a waiver, the administrator shall certify that a minority/women's business is in fact not available to provide the needed goods and/or services.

4. Contracts awarded to non-profit organizations, governments and governmental organizations including but not limited to municipal corporations, consortiums and associations of governmental agencies or officials and agencies created by interlocal agreement, per RCW 39.34, or by operation of state or federal law; where because of a responding party's non-profit status, ownership of the corporation or other entity cannot be determined. However, solely with the exception of contracts between the county and cities and towns where the county is the grantee for federal or state funds passed through to such jurisdictions, the waiver shall not extend to those profit-making contractors which contract with the referenced responding parties.

5. When available minority and/or women's businesses have given price quotes which are unreasonably high in that they exceed competitive levels beyond amounts which can be attributed to cover costs inflated by the present effects of discrimination.

As a condition of granting any waiver, the administrator may require that contractors or the contract awarding authority make affirmative efforts to utilize minority and/or women's businesses in the contract.

B. Where the executive determines that the reasonable and necessary requirements of a contract render subcontracting or other participation of businesses other than a responding party unfeasible, he/she may grant a waiver from the set aside provisions of this chapter; provided that, the waiver shall not be granted after the solicitation request has been publicly released by the contract awarding authority; provided further that, the solicitation specifications shall state that the waiver has been authorized and that solicitations received, proposing subcontracting or other participation of business other than the responding party, shall be rejected as non-responsive; provided further that, following award of the contract, should subcontracting or participation of businesses other than the responding party become necessary, the previously authorized waiver shall be null and void. The contractor (original responding party) shall solicit both minority and women business participation in a percentage which equals the contract awarding authority's annual goal.

C. Where the executive determines that compliance with the requirements of this chapter would impose an unwarranted economic burden on, or risk to, the county as compared with the degree to which the purposes and policies of this chapter would be furthered by requiring compliance, he/she may reduce or waive the utilization requirements of this chapter; provided that upon taking such action, the executive shall notify the members of the council in writing and further provided, upon receipt of the notice, if the council determines that the waiver does not meet the standards of this section, the council may by motion, within ten working days of the receipt of the notice determine the waiver to be null and void. (Ord. 12026 § 8, 1995).

4.18.080 Monitoring, reporting, and enforcement.

A. The executive, through the administrator, shall have the responsibility for monitoring implementation of the requirements of this chapter and shall have the power to request from departments, responding parties and/or contractors any relevant records, information and documents.

B. Contract awarding authorities shall keep complete and detailed records regarding compliance with this chapter. The records shall include the dollar value and the subject matter of each contract along with the name of the contractor, the participation levels (in dollars, number of contracts awarded, and type of work), of minority/women's businesses where the contract
award provides for participation, and other information as the administrator deems necessary.

C. The administrator shall be responsible for gathering all information concerning compliance with this chapter and shall have access to all pertinent county records.

D. With the assistance of the administrator, each department shall submit to the administrator an annual report on its performance in meeting the utilization goals required by this chapter on or before March 15th of each year. This report shall include the number and dollar amount of contracts awarded, by contract category and the dollar amount and the percentage of minority/women's business participation by contract and contract category and by number of set-aside contracts, percentage preference contracts, contracts requiring affirmative efforts, and contracts for which waivers were granted. The report shall also identify problems in meeting the requirements of this chapter, if any, and suggestions for improvements.

E. Monitoring of Effects. The administrator shall establish procedures to collect evidence and monitor the effects of the provisions of this chapter in order to assure, insofar as is practical, that the remedies set forth herein do not disproportionately favor one or more racial or ethnic groups and that the remedies do not remain in effect beyond the point that they are required to eliminate the effects of discrimination in the local contracting industries. To the extent further amendments to this chapter are required to effect these ends, the administrator shall prepare appropriate ordinances for the council's consideration.

F. Certification and Recognition Process.

1. Pursuant to Chap. 328, Laws of 1987, the Office of Minority and Women's Businesses of the State of Washington shall be solely responsible for certifying and decertifying businesses. The county's minority and women's business enterprise program is only for minorities and minority business and women's businesses and combination businesses as defined in K.C.C. 4.18.010; therefore the administrator shall recognize only those combination minority and women's business enterprises or minority business enterprises certified by the state of Washington which also meet the definitions of K.C.C. 4.18.010, according to minority status information provided to the county by the Office of Minority and Women's Businesses of the state of Washington. Businesses are only eligible for the county's programs so long as they remain certified by the state of Washington.

2. It shall be considered a violation of this chapter to obtain, or attempt to obtain, certification or the benefits of any provision of this chapter, on the basis of false or misleading information, whether provided to the county or to the Office of Minority and Women's Businesses of the state of Washington.

3. No contract requiring or proposing minority/women's business participation may be entered into unless all minority/women's businesses identified to meet the utilization goals by a responding party were, at the time the bid was submitted, certified by the Office of Minority and Women's Businesses of the state of Washington and recognized by the administrator as eligible to participate in the county's minority/women's business program and the administrator determines all identified minority/women's businesses appear able to perform a commercially useful function on that contract as proposed. Lists of certified and recognized minority/women's businesses shall be provided to all departments and made available to the public.

4. No business shall apply to the county in order to participate in the programs established by this chapter.

G. Where a complaint is filed within one year of the completion of all work on a contract alleging a violation of this chapter by a contractor, subcontractor or contract-awarding authority, or where, within that time period, evidence of a violation is discovered from information gained through compliance monitoring, the administrator shall cause to be served or mailed, by certified mail, return receipt requested, a copy of the complaint or notice of investigation on the respondent within twenty days after the filing of said charge and shall promptly make an investigation thereof. The investigation shall be directed to ascertain the facts concerning the violation alleged in the complaint and shall be conducted in an objective and impartial manner. During the investigation, the administrator shall consider any statement of position or evidence with respect to the allegations of the complaint which the complainant or the respondent wishes to submit.

1. The administrator shall have authority to sign and issue subpoenas requiring the attendance and testimony of witnesses, the production of evidence including but not limited to books, records, correspondence or documents in the possession or under the control of the person subpoenaed, and access to evidence for the purpose of examination and copying as is necessary for the investigation. The administrator shall consult with the county prosecuting attorney before issuing any subpoena under this section.

If an individual fails to obey a subpoena, or obeys a subpoena but refuses to testify when requested concerning any matter under investigation, the administrator may invoke the aid of the county prosecuting attorney who shall petition to the superior court for King County for an order or other appropriate action necessary to secure enforcement of the subpoena. The petition shall be accompanied by a copy of the subpoena and proof of service, and shall set forth in what specific manner the subpoena has not been complied with, and shall ask for an order of the court to compel the witness to appear and testify or cooperate in the investigation of the violation.

2. The results of the investigation shall be reduced to written findings of fact and a finding shall be made that there either is or is not reasonable cause for believing that a violation has been or is being committed. If a finding is made that there is no reasonable cause, said finding shall be served on the complainant and respondent. Within thirty days after service of such negative finding, the complainant shall have the right to file a written request with the administrator asking for reconsideration of the finding. The administrator shall respond in writing within a reasonable time by granting or denying the request.

H. If the finding is made initially or on request for reconsideration that reasonable cause exists to believe that a violation by a contractor or subcontractor has occurred, the administrator shall endeavor to remedy the violation by conference, conciliation and persuasion, which may include monetary compensation, the creation of additional opportunities for minority or women's utilization on other contracts or such other requirements as may lawfully be agreed upon by the parties and the administrator. Any settlement agreement shall be reduced to writing and signed by both parties. An order shall then be entered by the administrator setting forth the terms of the agreement. Copies of such order shall be delivered to all affected parties and the original thereof filed with the records and licensing services division.

If no agreement can be reached, a finding to that effect shall be made by the administrator and incorporated in a preliminary order, with a copy thereof furnished to the complainant and the respondent. The preliminary order shall also include:

1. A finding that a violation has occurred;
2. The basis for such finding.

I. In the case of failure to reach an agreement for the elimination of such a violation, and upon the entry of a preliminary order, the complaint and any and all findings made and remedies ordered shall be certified by the administrator to the office of the county hearing examiner for hearing.

A hearing shall be conducted by the office of the hearing examiner for the purpose of affirming, denying, or modifying the preliminary order. The hearing shall be conducted on the record and the hearing examiner shall have such rule making and other powers necessary for conduct of the hearing as are specified by K.C.C. chapter 20.24. Such hearings shall be conducted within a reasonable time after receipt of the certification. Written notice of the time and place of the hearing shall be given at least ten days prior to the date of the hearing to each affected party and to the administrator.

Each party shall have the following rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the complaint;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the complaint;
4. To impeach any witness regardless of which party first called him to testify;
5. To rebut evidence against him/her; and
6. To represent himself [or] herself or to be represented by anyone of his or her choice who is lawfully permitted to do so.

J. Following review of the evidence submitted, the hearing examiner presiding at the hearing shall enter written findings and conclusions and shall render a written decision and shall order one or more of the following:

1. Dismissal of the complaint when a violation is found not to have occurred;
2. Suspension or cancellation of the contract in part or in whole;
3. Disqualification and/or debarment of the violator from participation in county contracts for a period of up to five years;
4. Exclusion of the violator from future contracts or vending until demonstration of compliance;
5. Enforcement of any provision of the contract providing remedies, such as penalties or liquidated damages for violation of contractual provisions, or enforcement of any other remedy available under the laws of the county. Upon a finding by the hearing examiner that a contractor has in fact failed to perform a commercially useful function or has operated as a broker, front, conduit or pass through business, liquidated damages specified in the contract shall be imposed unless the hearing examiner finds that imposition of such damages would be clearly inequitable, in which case the hearing examiner may order appropriate relief.

K. If a finding is made that there is reasonable cause to believe that a contract awarding authority has committed a violation, the finding shall be forwarded to the executive, who shall review the evidence and shall order one or more of the following:

1. Dismissal of the complaint when a violation is found not to have occurred;
2. Corrective personnel action;
3. Disqualification and suspension of authority of all members, any board, commission, or other body constituting the violating contract awarding authority;
4. Enforcement of any other remedy available under the laws of the county.

L. Upon receipt of a written and signed allegation that a business owner is improperly being considered to be, or has improperly been rejected as, a minority business or women's business as defined in this chapter, or that a waiver or reduction of set-aside requirements has been improperly denied or granted, or if such information is discovered from information gained through compliance monitoring, the administrator shall conduct or cause to be conducted an investigation. The pendency of such allegations or of subsequent hearings on such allegations shall not be grounds to postpone or restrain the award of any contracts then being advertised or for which bids have been received. If there is reasonable cause to believe that corrective action is warranted, the administrator will, upon ten days written notice to all interested parties of whom he/she is aware, and upon publication of notice of the hearing in the manner provided for the advertising of contracts, conduct or cause to be conducted a hearing to determine whether or not the allegation is correct. The hearing shall be recorded and each interested party shall have the right to call and examine witnesses, to produce documentary and physical evidence, to cross-examine witnesses, and to be represented by anyone of his or her choice lawfully permitted to do so. The hearing officer designated by the administrator shall permit testimony to be given by any parties which would be directly affected by the matter, and a representative of the executive department or administrative office affected by the investigation.

After the hearing, the administrator or designated hearing officer shall make findings and conclusions and shall order appropriate corrective action, if any.

M. In addition to any other remedy available under the laws of the county and the state of Washington any person, firm, corporation, business, union, or organization which prevents or interferes with or retaliates against a contractor and/or subcontractor's efforts to comply with the requirements of this chapter or which submits false or misleading information to any county department or employee concerning compliance with this chapter shall be subject to a civil penalty of up to five thousand dollars for each occurrence, the county having previously complied with the notice and hearing provisions of this chapter. Each submission of false or misleading information shall constitute a separate occurrence. (Ord. 15971 § 47 (45)*, 2007: Ord. 12026 § 9, 1995).

4.18.090 Annual report required. The administrator shall submit an annual report to the executive detailing performance of the program by April 15 of each year. This report shall be forwarded to the council no later than April 30. The report shall include:

A. Statistics, and narrative where appropriate, demonstrating the utilization of minority and women's businesses by department, contract category, and the county, overall;

B. Statistics, and narrative where appropriate, demonstrating the number and type of waivers granted;

C. Explanations of any investigative actions taken by the minority and women's business enterprises and contract compliance division regarding the implementation, monitoring and enforcement of this chapter;

D. Descriptions of any problems in the implementation reported by the department, including proposed solutions;

E. Recommendations, as appropriate, regarding amendments to this chapter; and

F. Proposed utilization goals, as necessary. (Ord. 12026 § 10, 1995).

4.18.095 Studies and recommendations graduating firms out of program.

A. The administrator is directed to prepare a recommendation to the council on a methodology and plan for graduating minority and women's businesses after a certain number of years of certification and level of income above that used for state certification. The executive shall submit such a recommendation as part of the overall recommendations resulting from the disparity study commissioned pursuant to Ordinance 11564.

B. The methodology and plan shall include specific objective criteria and timeframes for reviewing minority and women's business enterprise participation in the county’s remedial program and determining when and under what conditions individual firms shall be graduated from the county’s remedial program. (Ord. 12026 § 11, 1995).

***Note: The section amending K.C.C. 4.18.080 was misnumbered as Section 47 in Ordinance 15971. It was actually Section 45 of Ordinance 15971.**

4.18.100 Authorization to implement procedures. The executive shall implement such forms, administrative processes, and operational procedures as are necessary to comply with the provisions of this chapter; provided that such forms, processes and procedures shall be promulgated in compliance with K.C.C. 2.98, with the exception that administrative rules and regulations related to this chapter shall be submitted for review by the administration and justice committee (or its successor committee) fifteen days prior to filing with the clerk of the council, the provisions of K.C.C. 2.98 notwithstanding. (Ord. 12026 § 12, 1995).

4.18.110 Effect of ordinance, status of solicitations. Each of the provisions of this chapter shall apply to all contracts for which a solicitation is released after the effective date of that provision of this chapter. (Ord. 8318 § 6, 1987: Ord. 7789 § 9, 1986: Ord. 5983 § 11, 1982).

4.18.120 Severability. The provisions of this chapter shall be effective in all cases unless otherwise provided for by State or Federal Law. The provisions of this chapter are separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this chapter or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this chapter, or the validity of its application to other persons or circumstances. (Ord. 8313 § 8, 1987: Ord. 7789 § 10, 1986: Ord. 5983 § 13, 1982)

4.18.150 Minority and women's business enterprises program provisions applicable to metropolitan functions. Notwithstanding the requirements set forth in this chapter, in order to foster a smooth transition and for the purposes of observing federal regulations, the minority and women business enterprise provisions for MWB utilization set forth in Ordinance 11032, Sections 19.G, 19.H, 19.J.2, and 19.K, and codified in K.C.C. 28.20.040 D, K.C.C. 28.20.040 E, K.C.C. 28.20.050 B, and K.C.C. 28.20.060 shall continue to be applicable to the metropolitan functions performed by the county pursuant to chapter 35.58 RCW until the conclusion of the disparity study, commissioned pursuant to Ordinance 11564, and recommendations resulting from the study are adopted and approved by the council by ordinance or as otherwise provided by the council. The administrator shall administer and implement said provisions for contracts awarded in direct support of said metropolitan functions. (Ord. 12026 § 13, 1995).

4.18.160 Designation of DBE liaison officer. The administrator shall serve as the Disadvantaged Business Enterprise ("DBE") Liaison Officer for purposes of compliance with federal Department of Transportation and other federal and state agency financial assistance requirements. (Ord. 12026 § 14, 1995).

4.18.170 Federal and state requirements. In order to secure financial assistance from federal and state agencies, the administrator shall provide for the participation of minority, women and disadvantaged businesses pursuant to regulations and requirements imposed by such federal and state agencies. The administrator may issue rules and procedures and take steps necessary to implement and comply with applicable federal and state laws and regulations, including the establishment of annual goals and contract goals for minority, women and disadvantaged businesses. (Ord. 12026 § 15, 1995).

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Chapter 4.19
KING COUNTY CONTRACTING OPPORTUNITIES PROGRAM

Sections:

4.19.010 Implementation.
4.19.020 Scope.
4.19.030 Definitions.
4.19.040 Criteria for participation.
4.19.050 Certification process.
4.19.060 Limitation of certification.
4.19.070 Methods of providing incentive.
4.19.080 Violations and sanctions.
4.19.090 Appeals.
4.19.100 Rule making.
4.19.110 Rules.

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4.19.010 Implementation. The executive shall implement the King County contracting opportunities program under which the county and its contractors have an incentive to make use of small contractors and suppliers as prime contractors, subcontractors and suppliers on county contracts. (Ord. 15703 § 1, 2007: Ord. 13983 § 1, 2000).

4.19.020 Scope. The King County contracting opportunities program shall apply to county public works, consulting and procurement contracts. (Ord. 15703 § 2, 2007: Ord. 13983 § 2, 2000).

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

A. "Administrator" means the [manager of the]* office of business relations and economic development.

B. "Small [economically disadvantaged business]** [contractor and supplier]*" means that a business and the person or persons who own and control it are in a financial condition [that]* [which]** puts the business at a substantial disadvantage in attempting to compete for public contracts. In assessing these financial conditions, the administrator shall substantially adopt the approach used by the federal Small Business Administration, but the administrator shall adjust the Small Business Administration's maximum revenue standards for various standard business classifications and levels for owners' personal net worth to account for local market conditions. However, the maximum revenue standard for standard business classifications [may]* not be [more than]* fifty percent of the Small Business Administration's thresholds, as now existing or hereafter amended. (Ord. 15703 § 3, 2007: Ord. 14561 § 22, 2002: Ord. 14199 § 80, 2001: Ord. 13983 § 3, 2000).

Notes:

***Language not underlined in Ordinance 15703. See K.C.C. 1.24.075.**

****Language not shown as deleted in Ordinance 15703. See K.C.C. 1.24.075.**

4.19.040 Criteria for participation. To be certified for the King County contracting opportunities program, a business must be a small contractor or supplier, have a valid business license, [and]* must serve a commercially useful function, as defined in K.C.C. chapter 4.18. To maintain its certification, within one year of its certification a small [contractor or supplier]* must have the person or persons who own and control the business complete at least fifteen hours of business-related training in a program approved by the administrator. Based on the administrator's assessment of the small contractor or supplier's need for additional training, the administrator may require a small contractor or supplier to complete up to fifteen additional hours annually of business-related training. The administrator shall evaluate and approve training programs based on one or more of the following indications of the program’s value: the [program's]** relevant industry's historical use of the program; affiliation the program has with established schools, if any: and accreditation by an established association. (Ord. 15703 § 4, 2007: Ord. 13983 § 4, 2000).

Notes:

***Language not underlined in Ordinance 15703. See K.C.C. 1.24.075.**

****Language not shown as deleted in Ordinance 15703. See K.C.C. 1.24.075.**

4.19.050 Certification process. The administrator may develop a process for certifying businesses for participation in the King County contracting opportunities program. If feasible, the administrator shall arrange or contract for a coordinated certification agency in cooperation with other agencies that may adopt compatible programs. (Ord. 15703 § 5, 2007: Ord. 13983 § 5, 2000).

4.19.060 Limitation of certification. To provide significant opportunities and incentives for [businesses]** small contractors and suppliers to prove themselves competitive within the market, the certification of the businesses is limited to five years or a specified contract and dollar volume of participation. (Ord. 15703 § 6, 2007: Ord. 13983 § 6, 2000).

Note:
****Language not shown as deleted in Ordinance 15703. See K.C.C. 1.24.075.**

4.19.070 Methods of providing incentive.

A. The King County contracting opportunities program shall use one or more methods to create an incentive to promote the use of [businesses]** small contractors and suppliers. This incentive shall be produced either through a bonus system in which the increased participation of small contractors and suppliers is a factor in the award of contracts; or through a set-aside system under which contractors are required to achieve a specified level of participation by King County contracting opportunities program businesses. If the bonus system is used, the contract shall state the maximum incentive available for the participation of small contractors and suppliers and the possible methods for making use of the incentive. If a set-aside system is used, the contract shall state a required minimum utilization.

B. As a matter of policy, opportunities for small [contractors and suppliers]* to act as prime contractors will be identified on an ongoing basis.

C. The specific methods to be used to provide incentives to small contractors and suppliers and for them to be prime contractors, as opportunities arise, shall be fully addressed in the rule-making process.

D. Beginning in 2008, the administrator shall by May 1 of every year, file twelve copies with the clerk of the council, for distribution to all councilmembers and the lead staff of the general government and labor relations committee or its successor, a report to council on the progress of the King County contracting opportunities program during the previous year, January through December. The report shall include:

1. The total amounts awarded by contract category;
2. The total amount awarded by contract category for which an incentive was available;
3. The total amounts awarded to small contractors and suppliers reported by contract category and by race and gender, to the extent businesses voluntarily provide this race and gender information;
4. For goods and services contracts, the total amount awarded to small contractors and suppliers by race and gender to the extent businesses voluntarily provide this race and gender information, for those contractors for which the small contractor or supplier was not the low bidder;
5. For goods and services, the total amount paid by the county.
6. A listing of all participating small contractors and suppliers by contract category, race and gender to the extent businesses voluntarily provide this race and gender information, their location by city and zip code, and the specific contracts including dollar amounts awarded;
7. A listing of the number of small contractors and suppliers by race and gender, to the extent businesses voluntarily provide this race and gender information, in each of the following revenue categories that was certified in the program:
   a. for goods and services:
      (1) zero to five hundred thousand dollars;
      (2) five hundred thousand to one million dollars;
      (3) one million to two million dollars; and
      (4) two million dollars to the maximum revenue amount allowed by the program rules;
   b. for consulting:
      (1) zero to two hundred fifty thousand dollars;
      (2) two hundred fifty to five hundred thousand dollars;
      (3) five hundred thousand to one million dollars; and
      (4) one million dollars to the maximum revenue amount allowed under the program rules;
   c. for construction:
      (1) zero to five hundred thousand dollars;
      (2) five hundred thousand to three million dollars;
      (3) three million to eight million dollars; and
      (4) eight million to the maximum revenue amount allowed under the program rules.

8. A listing of the number of small contractors and suppliers by race and gender, to the extent businesses voluntarily provide this race and gender information, in each of the following revenue categories that was awarded a contract:

a. for goods and services:
(1) zero to five hundred thousand dollars;
(2) five hundred thousand to one million dollars;
(3) one million to two million dollars; and
(4) two million dollars to the maximum revenue amount allowed by the program rules;

b. for consulting:
(1) zero to two hundred fifty thousand dollars;
(2) two hundred fifty thousand to five hundred thousand dollars;
(3) five hundred thousand to one million dollars;
(4) one million dollars to the maximum revenue amount allowed under the program rules;

c. for construction:
(1) zero to five hundred thousand dollars;
(2) five hundred thousand to three million dollars;
(3) three million to eight million dollars; and
(4) eight million to the maximum revenue amount allowed under the program rules.

(15703 § 7, 2007: Ord. 13983 § 7, 2000).

Notes:
***Language not underlined in Ordinance 15703. See K.C.C. 1.24.075.**
****Language not shown as deleted in Ordinance 15703. See K.C.C. 1.24.075.**

4.19.080 Violations and sanctions. A person who violates this chapter or the rules adopted under this chapter or who fails to comply with representations or commitments made to receive a benefit or qualify for an incentive under the King County contracting opportunities program is subject to sanctions including but not limited to: liquidated damages; withholding of funds; a civil fine or penalty; and disqualification from eligibility for bidding on or entering into or participating, as a subcontractor or in any other manner, in a contract with the county for a period not to exceed five years. If imposing sanctions, the administrator shall: set forth the sanctions to be imposed and the reasons for the imposition in a written order; promptly furnish a copy of the order to the contract awarding authority or contract administering authority; and mail a copy of the order by certified mail, return receipt requested, to the person being sanctioned. (Ord. 15703 § 9, 2006: 13983 § 8, 2000).

4.19.090 Appeals. A person against whom the administrator under this chapter imposes sanctions may appeal within fifteen days from the date the administrator's decision [is]* mailed to the person being sanctioned, by filing a notice of appeal with the office of the hearing examiner. Within forty-five days after receiving the notice of appeal, the hearing examiner shall convene the appeal hearing. The hearing examiner shall provide written notice of the hearing date given to the appellant and to the department of executive services, finance and business operations division at least thirty days before the hearing. Within thirty days after conclusion of the appeal hearing, the hearing examiner presiding at the hearing shall prepare a written decision and order. The final decision shall be filed by the hearing examiner as a public record with the county [clerk]** recorder's office, and copies of the final decision mailed to each party of record and to the administrator. (Ord. 15703 § 10, 2007: Ord. 13983 § 9, 2000).

Notes:
***Language not underlined in Ordinance 15703. See K.C.C. 1.24.075.**
****Language not shown as deleted in Ordinance 15703. See K.C.C. 1.24.075.**

4.19.100 Rule making. The executive shall adopt rules to implement this chapter, the council must approve them before they become effective. (Ord. 15703 § 11, 2007: Ord. 13983 § 10, 2000).

4.19.110 Rules. The rules in Attachment A*** to Ordinance 15703 are the rules to administer the King County contracting opportunities program created under this chapter. (15703 § 12, 2007).

*****Available in the office of the clerk of the council.**

Chapter 4.20
DUTIES OF COUNTY OFFICERS IN ISSUANCE OF BONDS

Sections:

4.20.010 Signature and attestation of bonds.
4.20.020 County treasurer.
4.20.030 Seal.

4.20.010 Signature and attestation of bonds. Bonds issued by King County shall be signed by the county executive and attested by the clerk of the council and, wherever reference is made in general law to the execution or attestation of bonds by the clerk of the board of county commissioners, such reference shall be deemed to apply to the clerk of the county council and such function shall be performed by the clerk of the county council. Signatures may be either manual or facsimile as specified in the ordinance authorizing the issuance and sale of such bonds. (Ord. 19 § 1, 1969).

4.20.020 County treasurer. The manager of the finance and business operations division shall perform the duties specified by general law to be performed by the treasurer of the county in connection with the issuance, sale, delivery and payment of bonds of the county or bonds of political subdivisions or municipal corporations of the state located within the county. The manager of the finance and business operations division shall be, by virtue of his or her office, the treasurer of the county and the manager may designate a bank or banks to act for and on his or her behalf as safekeeping agent, escrow agent or trustee in connection with the issuance of advance refunding bonds of the county, and shall perform all other functions prescribed by general law to be performed by the treasurer of the county unless otherwise specified by the Charter or by ordinance duly adopted pursuant to the Charter. (Ord. 14199 § 81, 2001: Ord. 12076 § 46, 1995).

4.20.030 Seal. The form of seal found on file in the office of the clerk of the council is adopted as the seal of King County and shall be used on all bonds of the county and such other county documents as may be prescribed by ordinance of the county pursuant to the Charter. Wherever in general law reference is made to the "Seal of the Board of County Commissioners," same shall be deemed to refer to the seal of King County provided and impressed herein. The clerk of the council shall have the custody of the seal of the county. (Ord. 19 § 3, 1969).

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Chapter 4.24
EXECUTIVE FINANCE COMMITTEE AND INTERFUND BORROWING

Sections:

4.24.010 Executive finance committee designated agency to provide for interfund borrowing.
4.24.020 Rules for temporary transfer of funds.
4.24.030 Report of interfund borrowing.

4.24.010 Executive finance committee designated agency to provide for interfund borrowing. Executive Order No. 1008 establishes an executive finance committee and defines its membership and responsibilities as to the judicious investment of county treasury funds and the redemption of county securities, and is hereby designated as the agency authorized to provide for interfund borrowing. (Ord. 823 § 1, 1971).

4.24.020 Rules for temporary transfer of funds. In accordance with authority established by Section 490 of the Home Rule Charter, the executive finance committee shall adopt rules and procedures which pertain to the transfer of funds on a temporary loan basis from one solvent county fund to another solvent county fund. Such rules shall provide the duration and interest rate to be charged on such loans. (Ord. 823 § 2, 1971).

4.24.030 Report of interfund borrowing. Each month following the regular meeting of the executive finance committee, it shall file with the county council a current report of all interfund borrowing including the funds involved, the amounts of the loans authorized and outstanding, the terms of the loans and the interest charges, if any. (Ord. 823 § 3, 1971).

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Chapter 4.26
VEHICLE LICENSE FEE

Sections:

4.26.005 Definitions.
4.26.010 Fee levied.
4.26.015 Exemptions.
4.26.020 Collection.

4.26.005 Definitions.

A. "Combined disposable household income" shall mean the disposable income of the person applying for the exemption plus the disposable income of all persons in the household.

B. "Disposable income" shall mean the same as the term is defined by RCW 84.36.383(6) as now or hereafter amended.

C. "Physical disability" shall mean the same as the term is defined by RCW 46.16.381(1) as now or hereafter amended. (Ord. 11123 § 1, 1993).

4.26.010 Fee levied. Under the authority of RCW 82.80.020, there is hereby levied an annual fee of fifteen dollars per vehicle for each vehicle authorized by RCW 82.80.020(1) and determined by the Washington state Department of Licensing to be registered within the boundaries of the county. (Ord. 14226 § 1, 2001: Ord. 9736, 1990: Ord. 9735 § 1, 1990).

4.26.015 Exemptions. The registered owners of vehicles residing within the boundaries of the county who, at the time payment of the fee established by this chapter is due, are sixty-one (61) years old or older and whose combined disposable household income is seventy (70) percent or less of the state median as determined by the Washington State Office of Financial Management or have a permanent physical disability and have been issued a permanent disabled persons placard or disabled person's license plates by the Washington State Department of Licensing shall, upon application, be exempted from this fee. Proof of disability must be provided. The effective date of the exemption shall be January 1, 1995. (Ord. 11123 § 2, 1993).

4.26.020 Collection. The fee imposed by this chapter shall be collected and administered by the Washington State Department of Licensing; the revenues from the fee imposed by this chapter shall be distributed to the county and the cities; and the proceeds of the fee imposed by this chapter shall be used strictly for transportation purposes in accordance with Chapter 42, Session Laws of 1990. (Ord. 9736, 1990: Ord. 9735 § 2, 1990).

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Chapter 4.28
RETAIL SALES OR USE TAX[1]

Sections:

4.28.010 Sales or use tax levied.
4.28.015 Additional sales or use tax.
4.28.016 Additional sales or use tax.
4.28.017 Sales or use tax on retail car rentals.
4.28.018 Special baseball stadium sales and use tax.
4.28.019 Special baseball stadium sales and use tax on restaurant, bar and tavern food and drink sales and car rentals.
4.28.020 Baseball stadium - debt issuance policy.
4.28.022 Special stadium and exhibition center sales and use tax.
4.28.025 King County Metro public transportation sales and use tax — levy – exemption.
4.28.030 Administration and collection of tax.
4.28.040 Tax credit for city sales or use tax paid.
4.28.045 King County's share of revenue.
4.28.050 Washington State department of revenue access to tax information - authorization.
4.28.055 Department of revenue contract.
4.28.060 Failure to collect or pay tax a misdemeanor.

[1]For statutory provisions regarding local retail sales and use taxes, see chapter 82.14 RCW.

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4.28.010 Sales or use tax levied.

A. There is hereby levied a sales or use tax, as the case may be, upon every taxable event, as defined in RCW 82.14.020 occurring within the county of King. The tax shall be imposed upon and collected from those persons from whom the state sales or use tax is collected pursuant to RCW chapters 82.08 and 82.12.

B. The rate of the tax imposed by Subsection A shall be one-half of one percent of the selling price or value of the article used, as the case may be.

C. This section shall take effect April 1, 1970. (Ord. 384 §§ 1-2, 7, 1970).

4.28.015 Additional sales or use tax.

A. There is hereby levied an additional sales or use tax, as the case may be, (as authorized by laws of 1982, 1st ex. sess., chap. 49 sec. 17(2) and RCW 82.14.030(2)), upon every taxable event, as therein provided, occurring within King County. The tax shall be imposed upon and collected from those persons from whom the state sales or use tax is collected pursuant to chapters 82.08 and 82.12 RCW.

B. The rate of the additional tax imposed by Subsection A shall be one-half of one percent of the selling price or value of the article used, as the case may be.

C. This section shall take effect April 1, 1988. (Ord. 8325 §§ 1, 4, 1987: Ord. 6596 §§ 1-2, 10, 1983)

4.28.016 Additional sales or use tax.

A. There is hereby levied an additional sales or use tax, as the case may be, as authorized by laws of 1993, 1st special sess. chap. 21, sec. 6, and RCW 82.14.340, that shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within King County. This section shall take effect January 1, 1994. The tax shall take effect upon January 1, 1994. The moneys received from such tax shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding pursuant to the restrictions on the use of these funds in RCW 82.14.340.

B. The rate of the additional tax imposed by Subsection A shall be one-tenth of one percent of the selling price or value of the article used, as the case may be. (Ord. 11103 § 1, 1993: Ord. 9646 §§ 1-2, 1990; Ord. 8325 § 1, 1987).

4.28.017 Sales or use tax on retail car rentals.

A. There is hereby levied a sales or use tax, as the case may be, in addition to the tax authorized by RCW 82.14.030, upon retail car rentals within King County that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of the tax shall be one percent of the selling price in the case of a sales tax or rental value of the vehicle in the case of a use tax. "Rental car" means a passenger car, as defined in RCW 46.04.382, that is used solely by a rental car business for rental to others, without a driver provided by the rental car business, for periods of not more than thirty consecutive days. "Rental car" does not include vehicles rented or loaned to customers by automotive repair business while the customer's vehicle is under repair and vehicles licensed and operated as taxicabs.

B. Twenty-five percent of the car rental sales and use tax collections shall be deposited in the Youth Sports Facilities Grant Fund. Monies contained in the Youth Sports Facilities Grant Fund can only be expended for youth sports facilities. The remaining seventy-five percent of the rental sales and use tax collections shall be deposited in the Stadium Operating fund and can only be expended for the financing of stadium capital facilities. Proceeds of this tax shall not be used to subsidize any professional sports team. The proceeds of this tax shall also not be used to supplant existing stadium capital improvement or youth sports facilities funding sources. (Ord. 10454 §§ 1-2, 1992).

4.28.018 Special baseball stadium sales and use tax.

A. There is hereby imposed a special baseball stadium sales and use tax to be collected beginning January 1, 1996 from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county as authorized by laws of 1995, third ex. sess. (EHB 2115). The rate of the tax shall equal seventeen thousandths percent (0.017%) of the selling price in the case of a sales tax or value of the article used in the case of a use tax.

B. The tax imposed under this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW.

C. Moneys collected under the tax imposed in this section shall only be used for the purpose of principal and interest payments on bonds issued by the county to construct a baseball stadium with natural grass and a retractable roof or canopy, together with associated parking facilities, constructed in the city of Seattle.

D. No tax may be collected under this section before January 1, 1996, and no tax may be collected under this section unless the taxes authorized under RCW 82.14.360 are being collected. The tax imposed under this section shall expire as determined by applicable state law. (Ord. 12000 § 3, 1995).

4.28.019 Special baseball stadium sales and use tax on restaurant, bar and tavern food and drink sales and car rentals.

A. There is hereby imposed a special baseball stadium sales and use tax upon the retail sale or use in King County by restaurants, bars, and taverns of food and beverages that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of the tax shall equal five-tenths of one percent (0.5%) of the selling price in the case of a sales tax, or value of the article used in the case of a use tax. The tax imposed under this subsection is in addition to any other taxes authorized by law and shall not be credited against my other tax imposed upon the same taxable event. As used in this section, "restaurant" does not include grocery stores, mini-markets, or convenience stores. Collection of the tax shall begin on January 1, 1996. Collection after June 30, 1997 shall be subject to the conditions set forth in subsection D. of this section.

B. There is hereby imposed a special baseball stadium sales and use tax upon retail car rentals within the county that are taxable by the state under chapters 82.08 and 82.12 RCW. The tax shall equal two percent (2%) of the selling price in the case of a sales tax, or rental value of the vehicle in the case of a use tax. The tax imposed under this subsection is in addition to any other taxes authorized by law and shall not be credited against any other tax imposed upon the same taxable event. Collection of the tax shall begin on January 1, 1996. Collection after June 30, 1997 shall be subject to the conditions set forth in subsection D. of this section.

C. The revenue from the taxes imposed under this section shall be used for the purpose of principal and interest payments on the bonds issued by the county to acquire, construct, own, remodel, maintain, equip, repair, and operate a baseball stadium. Revenues from the taxes authorized in this section may be used for design and other preconstruction costs of the baseball stadium until bonds are issued for the baseball stadium. King County shall have no obligation to issue bonds in an amount greater than that which would be supported by the tax revenues provided for by Ordinance 12000 and by the other revenues provided by EHB 2115, Laws of Washington, 1995 3rd ex. sess., to the extent they are committed for the term of the bonds. If the revenue from these sources exceeds the amount needed for such principal and interest payments in any year, the excess shall be used as directed in applicable state law.

D. The taxes authorized under this section shall not be collected after June 30, 1997, unless the county executive has certified to the department of revenue that a professional major league baseball team has made a binding and legally enforceable contractual commitment to:

1. Play at least ninety percent of its home games in the new baseball stadium for a period of time not shorter than the term of the bonds issued to finance the initial construction of the baseball stadium;

2. Contribute principal of forty-five million dollars toward the reasonably necessary preconstruction costs including, but not limited to architectural, engineering, environmental, and legal services, and the cost of construction of the baseball stadium, or to any associated public purpose separate from bond-financed property, including without limitation land acquisition, parking facilities, equipment, infrastructure or other similar costs associated with the project, which contribution shall be made during a term not to exceed the term of the bonds issued to finance the initial construction of the baseball stadium. If all or part of the contribution is made after the date of issuance of the bonds, the team shall contribute an additional amount equal to the accruing interest on the deferred portion of the contribution, calculated at the interest rate on the bonds maturing in the year in which the deferred contribution is made. To the extent possible, contributions shall be structured in a manner that would allow for the issuance of bonds to construct the stadium that are exempt from federal income taxes; and

3. Share a portion of the profits generated by a major league baseball team from the operation of the professional franchise for a period of time equal to the term of the bonds issued to finance the initial construction of the stadium, after offsetting any losses incurred by a major league baseball team after the effective date of laws of 1995, 1st ex. sess., chap. 14*. Such profits and the portion to be shared shall be defined by agreement between the public facilities district and a major league baseball team. The shared profits shall be used to retire the bonds issued to finance the initial construction of the baseball stadium. If the bonds are retired before the expiration of their term, the shared profits shall be paid to the public facilities district.

E. The taxes imposed under this section shall expire as determined by applicable state law. (Ord. 12000 § 4, 1995).

***Reviser's note: Chapter 14, Laws of Washington 1995, 1st ex. sess., Sections 1 through 9 and 11 took effect July 1, 1995; Chapter 14, Laws of Washington 1995, 1st ex. sess., Sections 10 and 12 took effect June 14, 1995.**

4.28.020 Baseball stadium - debt issuance policy. It is the policy of King County to issue general obligation bonds for the purposes of funding the construction of a baseball stadium unless the Metropolitan King County Council by ordinance determines that such a bond issue will likely result in (1) the county's current expense fund having to pay any portion of the baseball stadium's debt service, or (2) the reduction of King County's bond rating. Any such pledge or issuance of debt must be authorized by ordinance. (Ord. 12000 § 5, 1995).

4.28.022 Special stadium and exhibition center sales and use tax. There is hereby imposed a special stadium and exhibition center sales and use tax as authorized by Referendum 48, sec. 204 and chapter 82.14 RCW as amended, with a rate equal to 0.016 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax, for collection beginning on the earliest allowable date consistent with the requirements of state law. The tax imposed by this section shall be in addition to all other taxes authorized by law, and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within King County. The tax imposed under this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the Washington State Department of Revenue under chapter 82.08 or 82.12 RCW. The tax imposed under this section shall be transferred and deposited in accordance with Referendum 48, sec. 204(3), and shall expire as provided in Referendum 48, sec. 204(5). (Ord. 12807 § 2, 1997).

4.28.025 King County Metro public transportation sales and use tax — levy – exemption.

A. For the purpose of providing funding for the operation, maintenance and capital needs of King County Metro public transportation, an additional sales and use tax of two-tenths of one percent is hereby levied, fixed and imposed effective April 1, 2001 on all taxable events within King County as defined in chapter 82.08, 82.12 or 82.14 RCW except as provided in subsection B of this section. The tax shall be imposed upon and collected from those persons from whom sales tax or use tax is collected pursuant to chapter 82.08 or 82.14 RCW, and shall be so collected commencing April 1, 2001, at the rate of two-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). This additional sales and use tax shall be in addition to all other existing sales and use taxes, including the six-tenths of one percent public transportation sales and use taxes currently imposed by the county pursuant to RCW 82.14.045.

B. The tax imposed in subsection A of this section shall not apply to sales of lodging by a person or entity that is subject to the tax imposed in RCW 67.40.090 and to the county tax imposed under RCW 67.28.180. (Ord. 14003 § 2, 2000).

4.28.030 Administration and collection of tax. The administration and collection of the tax imposed by this chapter shall be in accordance with the provisions of RCW 82.14.050. (Ord. 6596 § 5, 1983: Ord. 384 § 3, 1970).

4.28.040 Tax credit for city sales or use tax paid. There shall be allowed against the tax imposed by this chapter, a credit for the full amount of any city sales or use tax imposed upon the same taxable event, as defined in RCW 82.14.020 and RCW 82.14.030 upon which a tax is imposed by this chapter. (Ord. 7470 § 3, 1986: Ord. 6596 § 3, 1983: Ord. 384 § 4, 1970).

4.28.045 King County's share of revenue. King County's lawful share of revenues from any tax imposed under RCW 82.14.030(2) by any city within the county shall be determined in accordance with state law. (Ord. 6596 § 4, 1983).

4.28.050 Washington State department of revenue access to tax information - authorization. The department of revenue of the State of Washington is hereby authorized access to tax information set forth in RCW 82.32.330, and RCW 84.40.340 and any other provision of Title 82 or 84 RCW, upon substantially the same conditions as tax information is authorized to be disclosed by the department of revenue to King County taxing officials pursuant to RCW 82.32.330, 84.40.340, and 42.17.310, as each now exists or is hereafter amended. The county executive and the county assessor are authorized to execute agreements on behalf of the King County, consistent with the access herein granted. Tax information received by King County pursuant to such agreements is exempt from disclosure under the Public Disclosure Act and remains privileged and confidential pursuant to RCW 82.32.330. (Ord. 12274 § 2, 1996).

4.28.055 Department of Revenue contract. The county executive is hereby authorized to enter into a contract with the department of revenue for the administration of this tax in accordance with sections 4.28.015, 4.28.016, 4.28.017 and 4.28.045. (Ord. 6596 § 7, 1983).

4.28.060 Failure to collect or pay tax a misdemeanor. Any seller who fails or refuses to collect the tax as required with the intent to violate the provisions of this chapter, or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax due under this chapter, shall be guilty of a misdemeanor. (Ord. 6596 § 8, 1983: Ord. 384 § 6, 1970).

Chapter 4.29
PUBLIC TRANSPORTATION - FUNDING FOR OPERATION, MAINTENANCE AND CAPITAL NEEDS

Sections:

4.29.010 Authorization of additional sales and use tax - submittal to voters.
4.29.011 Authorization of additional sales and use tax.
4.29.020 Use of tax proceeds.
4.29.030 Service partnership agreements - criteria.
4.29.040 Service partnership agreements - proposals - approval.

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4.29.010 Authorization of additional sales and use tax - submittal to voters. For the purpose of providing funding for the operation, maintenance and capital needs of public transportation, the council hereby directs the submission of a proposition to the voters of the county substantially as set forth in Ordinance 15582, Section 5, to authorize the county to fix and impose pursuant to RCW 82.14.045 an additional sales and use tax of one-tenth of one percent. This additional sales and use tax shall be in addition to other existing sales and use taxes, including the eight-tenths of one percent public transportation sales and use tax currently imposed by the county. The additional sales and use tax shall be levied at such rate and collected as of a date as may be determined by the council. In addition, if, as a result of the adoption of this proposition by the voters of the county, the county imposes an additional sales and use tax upon sales of lodging in excess of the limits contained in RCW 82.14.410, the sales shall be exempt from the imposition of that additional sales and use tax. (Ord. 15582 § 3, 2006).

4.29.011 Authorization of additional sales and use tax.

A. For the purpose of providing funding for the operational, maintenance and capital needs of King County Metro public transportation, an addition sales and use tax of one-tenth of one percent is hereby levied, fixed and imposed on all taxable events within King County as defined in chapter 82.08, 82.12 or 82.14 RCW, except as provided in subsection B. of this section. The tax shall be imposed upon and collected from those persons from whom sales tax or use tax is collected in accordance with chapter 82.08 or 82.14 RCW, and shall be so collected at the rate of one-tenth of one percent of the selling price, in the case of a sales tax, or value of the article used, in the case of a use tax. This additional sale and use tax shall be in addition to all other existing sales and use taxes, including the eight-tenths of one percent public transportation sale and use taxes currently imposed by the county pursuant to RCW 82.14.045.

B. The tax imposed in subsection A. of this section does not apply to sales of lodging by a person or entity that is subject to the tax imposed in RCW 67.40.090 and to the county tax imposed under RCW 67.28.180. (Ord. 15670 § 2, 2006).

4.29.020 Use of tax proceeds. The proceeds from the tax imposed under K.C.C. 4.29.011 shall, for the initial ten-year period following voter approval of the proposition in Ordinance 15582 Section 5, , be used for the operation, maintenance and capital needs of King County Metro public transportation in the manner described in Attachment A* to Ordinance 15582, titled "Improvements Funded by Transit Now." After the initial ten-year period or in the event that the county, by an ordinance adopted by a supermajority of at least six affirmative votes of the county council, finds that, due to either changed conditions, insufficient revenue or force majeure events, any of the services and facilities described in the plan are either impractical or would provide less public transportation benefit than other alternatives, the county may in its discretion use the proceeds for any other public transportation purpose consistent with the King County Code and King County Metro transit policies and goals. For the purposes of this section, "tax proceeds" means the principal amount of funds raised by the additional sales and use tax authorized by this chapter and any interest earnings on the funds. (Ord. 15582 § 4, 2006).

4.29.030 Service partnership agreements - criteria. The following criteria for entering into Transit Now service partnership agreements shall be applied on a yes/no basis and are listed in priority order. The criteria provide a foundation for the development and evaluation of proposals for service partnership agreements. These criteria are further intended to provide guidance to potential partners as to how partnership proposals succeed in meeting the objectives, guidelines and implementation strategies of the service partnership program.

A. Direct financial partnerships shall have priority over speed and reliability partnerships. Proposals for direct financial partnerships with public and private entities that meet the minimum eligibility requirements of this chapter will be evaluated for implementation according to the following criteria, in priority order:

***Available in the office of the clerk of the council.**

1. The partnership service will improve access to, from or between designated Urban and Manufacturing Centers as defined in Countywide Planning Policies LU-40 and LU-52;

2. The partnership service will improve service on the network of core service connections as defined in the King County Metro Transit Six-Year Transit Development Plan, Service Strategy S-3;

3. The partnership service by a public agency will improve access and circulation within designated Urban and Manufacturing Centers as defined in Countywide Planning Policies LU-40 and LU-52 or will provide service consistent with King County Metro Transit Six-Year Transit Development Plan, Service Strategy S-13. A circulator or ride-free service partnership with a public agency also will provide service in a manner that supports enhancement of existing transit centers by providing frequent connections between a transit center and major destinations within the urban center;

4. The partnership service will improve other services that support the goals and objectives of the King County Metro Transit Six-Year Transit Development Plan;

5. The partner or partners will commit to continue the partnership for more than five years;

6. The partner or partners will agree to fund more than the minimum one-third share of the fully allocated service cost;

7. The partner or partners will commit to implementation of additional actions that are likely to increase ridership on the new services, such as:

a. conducting promotional activities;

b. providing incentives to employees and riders;

c. establishing limits on parking supply or price for single occupant vehicle parking within the area served by the new service;

d. implementing parking management to increase the attractiveness of transit and ridesharing;

e. taking other policy actions that support the new service; or

f. taking other actions that are likely to increase ridership on the new services; and

8. Projected ridership gain in annual boardings over the term of the agreement.

B. Speed and reliability partnerships shall have a lower priority than direct financial partnerships. Proposals for speed and reliability partnerships that meet the minimum eligibility requirements of Transit Now will be evaluated for implementation according to the following criteria, in priority order:

1. The partner's capital investment or traffic operations change will create a transit speed and reliability benefit along a continuous RapidRide bus rapid transit corridor;

2. The partner will commit to additional traffic operations management actions that achieve transit priority in excess of the required projected ten percent travel time savings;

3. The improvements can be completed within five years; and

4. The partner will commit to provision of complementary actions that improve transit operations or ridership, such as:

a. implementing innovative transit signal phases and timing;

b. providing the infrastructure, preferably fiber, required to support communication between transit signal priority equipment in the field and from the field back to the applicable agency and to Metro;

c. adding curb space for transit terminal or layover;

d. establishing limits on parking supply or increasing prices for single occupant vehicle parking within the area served by the new service;

e. implementing parking management to increase the attractiveness of ridesharing;

f. implementing pass subsidy and promotional programs that achieve higher ridership; or

g. taking actions that improve the pedestrian environment. (Ord. 15756 § 3, 2007).

4.29.040 Service partnership agreements - proposals - approval. For those service partnerships expected to be implemented after 2007, Metro Transit shall issue a call for service partnership proposals from potential public and private partners. The call for proposals shall describe the minimum requirements for eligible proposals as set forth in Ordinance 15582 as well as the prioritization criteria to be utilized by the county in selecting among eligible service partnership proposals as set forth herein at K.C.C. 4.29.030. A deadline will be set for submission that is not less than 90 days after the call for proposals has been issued. Metro Transit shall make staff available to answer questions potential service partners may have in order help facilitate the development of proposals that are consistent with the eligibility requirements and prioritization criteria. After the initial proposals received in response to the first call for proposals have been evaluated, subsequent opportunities may be provided for additional potential service partners to submit proposals up until such time as all the service partnership resources have been committed.

The executive shall transmit proposed service partnership agreements, identifying the year in which the proposed service partnership is expected to begin, for approval by the Council. Council approval shall not be unreasonably withheld from service partnership proposals that meet the objectives, guidelines and implementation strategies of the service partnership program as described in Attachment A to Ordinance 15582. (Ord. 15756 § 4, 2007).

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Chapter 4.30
SALES AND USE TAX FOR TRANSIT CAPITAL AND OPERATIONS

Sections:

4.30.010 Sales and use tax for transit capital and operations.

4.30.010 Sales and use tax for transit capital and operations. The proceeds from the levy of an additional two-tenths of one percent sales and use tax shall be used as follows: seventy-five percent (75%) thereof shall be used for capital purposes and twenty-five percent (25%) thereof shall be used for operations. The proceeds available for capital purposes shall be placed in a capital account subject only to annual appropriations by the council. (Ord. 11661 § 1, 1995: Metro Res. 3776 § 4, 1981).

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Chapter 4.31
SPECIAL EXCISE TAX

Sections:

4.31.010 Levy of taxes.
4.31.020 Stadium and exhibition center admissions tax.
4.31.030 Stadium and exhibition center parking tax.

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4.31.010 Levy of taxes. There is hereby imposed, pursuant to RCW 36.38.010, and specifically RCW 36.38.010(a), a tax of not more than one cent on twenty cents or fraction thereof to be paid by persons who pay an admissions charge to stadiums constructed after January 1, 1995 and owned by the PFD, including a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same or similar privileges or accommodations. Anyone who receives any admission charge to any place shall collect and remit the tax to the treasury division of the county. The term "admissions charge" shall mean that term as defined in RCW 36.38.010(2). Amount collected by the county from such tax shall be used for the purpose of paying the principal of and interest on such bonds and notes as may be issued for the purpose of providing all or part of the money with which to pay the cost of acquiring, designing, owning and equipping public parking facilities associated with the baseball stadium, including design and other preconstruction costs and costs of issuance and sale of such bonds and notes. Such taxes are pledged exclusively to the payment of such bonds and notes so long as any bonds issued with respect to the baseball stadium remain outstanding, and thereafter may be used for such other purposes as are permitted by RCW 36.38.010. (Ord. 12615 § 2, 1997).

4.31.020 Stadium and exhibition center admissions tax.

A. As authorized RCW 36.38.010(5), there is hereby levied and fixed a tax of three and one-tenth percent on charges for admission to events in a stadium and exhibition center as defined in RCW 36.102.010(9), located in King County and owned by the Washington State Public Stadium Authority. From and after the date that the state treasurer certifies to the Washington State Public Stadium Authority and to the county that all of the bonds issued to finance the stadium and exhibition center authorized under chapter 43.99N RCW are fully repaid, redeemed or retired, the admissions tax shall be levied and fixed at the rate of ten percent. For the purposes of this section, "charges for admission to events" means only the actual admission charge, exclusive of taxes and service charges and the value of any other benefit conferred by the admission, and includes a charge made for season tickets or subscriptions, a cover charge or a charge made for the use of seats and tables, reserved or otherwise, and other similar accommodations. Revenues collected from the tax imposed in this section shall be deposited and used in accordance with RCW 36.38.010(5). The tax under this section shall be levied upon the first use of any part of the stadium and exhibition center but shall not be collected at any facility already in operation as of July 17, 1997.

B. To maintain consistency with charitable organization admission tax exemptions allowed by the city of Seattle for the Kingdome, King County will provide for similar exemptions from the admissions tax imposed by this section. The admission tax shall not apply to any admission charge to an event that is sponsored by a nonprofit organization exempt from federal income taxation under section 501(c) (3) of the Internal Revenue Code when:

1. The nonprofit tax-exempt organization publicly sponsors the event,
2. The nonprofit tax-exempt organization receives the use and benefit of the admission charges collected, and
3. The primary purpose of the event is charitable fundraising based on reasonable documentation.

C. A person who receives payment for an admission charge on which a tax is levied under this section, and a person who by agreement with the Washington State Public Stadium Authority is obligated to collect the tax, shall collect the tax from the person making the admission payment and shall remit the tax to the state treasurer as provided in this section. The tax imposed under this section shall be collected from the person paying the admission charge at the time the admission charge is paid. The person who by agreement with the Washington State Public Stadium Authority is obligated to collect the tax, or the person collecting the tax, shall remit the tax to the state treasurer. Payment shall be made in monthly remittances on or before the fifteenth day of the month next succeeding the end of the monthly period in which the tax is collected or received and accompanied by such reports as the state treasurer requires. Payment or remittance of the tax collected may be made by check unless payment or remittance is otherwise required by the state treasurer, but payment by check does not relieve the person collecting the tax from liability for payment and remittance of the tax to the state treasurer unless the check is in the full and correct amount and until the check is honored. The person required to collect the tax under this section holds the tax in trust until the tax is remitted to the state treasurer as provided in this section. If a person required to collect the tax imposed by this section fails to collect the tax, or having collected the tax fails to pay the tax to the state treasurer in the manner prescribed by this section, whether the failure is the result of the person's own acts or the result of acts or conditions beyond the person's control, the person is personally liable to the state for the amount of the tax.

D. A person liable for the collection and payment of the tax imposed by this section shall acquire, keep and preserve for five years all unused tickets, ticket manifests, books and all other records from which can be determined the amount of admission tax that the person was liable to remit under this section. All of those tickets, books and records shall be open for examination and audit at all reasonable times by the King County finance department or the state treasurer or the state treasurer's agent.

E. The applicable provisions in RCW 82.32.090 through 82.32.115, and the amendments to those provisions, apply with respect to the taxes imposed under this section, except that, unless otherwise indicated by the context, in those provisions the term "state treasurer" is substituted for each reference made to "department," "department of revenue" and "director of the department of revenue."

F. If a charge is made for admission under this section, a serially numbered ticket shall be furnished to the person paying the charge unless written approval has been obtained from the operator of the facility owned by the Washington State Public Stadium Authority to use a turnstile or other counting device that accurately counts the number of paid admissions. The established price, admission tax and total price at which every such an admission ticket is sold shall be separately, conspicuously and indelibly printed or written on the face or back of the part of the ticket, which is to be taken up by the management of the place to which admission is gained.

G. For the purposes of this section, "person" includes a municipal or quasi-municipal corporation. (Ord. 13617 § 1, 1999: Ord. 12807 § 4, 1997).

4.31.030 Stadium and exhibition center parking tax.

A. As authorized RCW 36.38.040, there is hereby levied and fixed a tax at the rate of one percent on any vehicle parking charges imposed at any parking facility that is part of a stadium and exhibition center as defined in RCW 36.102.010(9), located in King County and owned by the Washington State Public Stadium Authority. From and after the date that the state treasurer certifies to the Washington State Public Stadium Authority and to the county that all of the bonds issued to finance the stadium and exhibition center authorized under chapter 43.99N RCW are fully repaid, redeemed or retired, the parking tax shall be levied and fixed at a rate of ten percent. For the purposes of this section, "vehicle parking charges" means only the actual parking charges exclusive of taxes and service charges and the value of any other benefit conferred. Revenues collected under this section shall be deposited and used in accordance with RCW 36.38.040. The tax under this section shall be levied upon the first use of any part of the stadium and exhibition center but shall not be collected at any facility already in operation as of July 17, 1997.

B. A person who receives payment for vehicle parking charges on which a tax is levied under this section, and a person who by agreement with the Washington State Public Stadium Authority is obligated to collect the tax, shall collect the tax from the person making the vehicle parking charges and shall remit the tax to the state treasurer as provided in this section. The tax imposed under this section shall be collected from the person paying the vehicle parking charges at the time the vehicle parking charges are paid. The person who by agreement with the Washington State Public Stadium Authority is obligated to collect the tax, or the person collecting the tax from the person paying the vehicle parking charges, shall remit the tax to the state treasurer. Payment shall be made in monthly remittances on or before the fifteenth day of the month next succeeding the end of the monthly period in which the tax is collected or received and shall be accompanied by such reports as the state treasurer requires. Payment or remittance of the tax collected may be made by check unless payment or remittance is otherwise required by the state treasurer, but payment by check does not relieve the person collecting the tax from liability for payment and remittance of the tax to the state treasurer unless the check is in the full and correct amount and until the check is honored. The person required to collect the tax under this section holds the tax in trust until the tax is remitted to the state treasurer as provided in this section. If a person required to collect the tax imposed by this section fails to collect the tax, or having collected the tax fails to pay the tax to the state treasurer in the manner prescribed by this section, whether the failure is the result of the person's own acts or the result of acts or conditions beyond the person's control, the person is personally liable to the state for the amount of the tax.

C. A person liable for the collection and payment of the tax imposed by this chapter shall acquire, keep and preserve for five years all records from which can be determined the amount of vehicle parking tax that the person was liable to remit under this section. All of those records shall be open for examination and audit at all reasonable times by the King County finance department or the state treasurer or the state treasurer's agent.

D. The applicable provisions in RCW 82.32.090 through 82.32.115, and the amendments to those provisions, apply with respect to the taxes imposed under this section, except that, unless otherwise indicated by the context, in those provisions, "state treasurer" is substituted for each reference made to "department," "department of revenue" and "director of the department of revenue."

E. For the purposes of this section, "person" includes a municipal or quasi-municipal corporation. (Ord. 13617 § 2, 1999: Ord. 12807 § 5, 1997).

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Chapter 4.32
EXCISE TAX ON REAL ESTATE SALES*

Sections:

4.32.010 One quarter of one percent sales tax levied (1982).
4.32.012 Additional one quarter of one percent tax levied (1992).
4.32.020 Real estate excise tax capital summary fund created.
4.32.030 Distribution of proceeds of tax.
4.32.040 Collection of excise taxes on real estate sales imposed by cities and towns.
4.32.050 State law controlling.

4.32.010 One quarter of one percent sales tax levied (1982). There is levied and there shall be collected by King County on each sale of real property situated in unincorporated King County a tax equal to one quarter of one percent of the selling price. (Ord. 6110 § 3, 1982).

4.32.012 Additional one quarter of one percent tax levied. There is hereby levied and there shall be collected by King County on each sale of real property situated in unincorporated King County an additional tax equal to one quarter of one percent of the selling price. The proceeds of the tax imposed by this section shall be credited to the real estate excise tax, number 2 fund and may only be used for the planning, construction, reconstruction, repair, rehabilitation or improvement of parks located in or providing a benefit and open to residents of the unincorporated area of King County. (Ord. 13667 § 3, 1999: Ord. 10455 §§ 1, 3, 4, 1992).

4.32.020 Real estate excise tax capital summary fund created. There is hereby created the real estate excise tax capital summary fund, which functions as a capital improvement project fund. The fund shall be a first tier fund. The department of executive services shall be the fund manager. (Ord. 16337 § 3, 2008: Ord. 14509 § 32, 2002: Ord. 13667 § 4, 1999: Ord. 6110 § 4, 1982).

4.32.030 Distribution of proceeds of tax.

A. The proceeds of the tax imposed by K.C.C. 4.32.010 of this chapter shall be credited to the unincorporated capital improvement fund and may only be used for capital needs of the unincorporated area of the county. One percent of the proceeds of the tax shall be credited to the county current expense fund to defray the administrative costs of collection.

B. The proceeds from the interest earnings from the proceeds of the tax imposed by K.C.C. 4.32.010 may only be used for parks and recreation purposes as defined in K.C.C. 7.01.010. (Ord. 14509 § 33, 2002: Ord. 6110 § 5, 1982).

4.32.040 Collection of excise taxes on real estate sales imposed by cities and towns. The county shall collect real estate excise taxes imposed by any city or town within the county. One percent of the proceeds of the tax imposed by any city or town shall be credited to the county current expense fund. The remaining proceeds of the tax shall be distributed to cities and towns monthly. (Ord. 6110 § 6, 1982).

4.32.050 State law controlling. The tax imposed by K.C.C. 4.32.010 shall comply with all applicable rules, regulations, laws and court decisions regarding real estate excise taxes imposed by the state under RCW 82.45. (Ord. 6110 § 7, 1982).

***For statutory provisions regarding an excise tax on real estate sales, see chapter 82.45 RCW.**

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Chapter 4.33
SALES AND USE TAX FOR MENTAL HEALTH AND CHEMICAL DEPENDENCY SERVICES AND THERAPEUTIC COURTS

Sections:

4.33.010 Policy and goals - oversight, implementation and evaluation plan - progress reports and summary report - reports on expenditures and revenue (expires January 1, 2017).
4.33.020 Sale and use tax - mental health and chemical dependency services and therapeutic courts - exemption (expires January 1, 2017).
4.33.030 Use of tax proceeds (expires January 1, 2017).
4.33.040 Provisions applying to tax (expires January 1, 2017).
4.33.050 Binding partnership agreements - required - commitments (expires January 1, 2017).
4.33.060 Council review and analysis (expires January 1, 2017).

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4.33.010 Policy and goals - oversight, implementation and evaluation plan - progress reports and summary report - reports on expenditures and revenue (expires January 1, 2017).

A. It is the policy of the county that citizens and policy makers be able to measure the effectiveness of the investment of these public funds. The county requires appropriate oversight, accountability and reporting on the status and progress of the programs supported with the sales tax funds. The programs supported with these funds shall be designed to achieve the following policy goals:

1. A reduction of the number of mentally ill and chemically dependent using costly interventions like jail, emergency rooms and hospitals;

2. A reduction of the number of people who recycle through the jail, returning repeatedly as a result of their mental illness or chemical dependency;

3. A reduction of the incidence and severity of chemical dependency and mental and emotional disorders in youth and adults;

4. Diversion of mentally ill and chemically dependent youth and adults from initial or further justice system involvement; and

5. Explicit linkage with, and furthering the work of, other council directed efforts including, the adult and juvenile justice operational master plans, the Plan to End Homelessness, the Veterans and Human Services Levy Services Improvement Plan and the county Recovery Plan.

B. To ensure the oversight, implementation and evaluation of the Mental Illness and Drug Dependency Action Plan is consistent with the county's policy goals outlined in subsection A. of this section and to ensure fulfillment of the requirements of RCW 82.14.460 which enables the sales tax, the office of performance, strategy and budget, the departments of community and human services, public health and adult and juvenile detention, superior court, district court, the prosecuting attorney, the public defender and the sheriff are requested, with assistance from council staff, to develop and submit for council review and approval an oversight, implementation and evaluation plan for the Mental Illness and Drug Dependency Action Plan accepted by council by Motion 12598.

C. The oversight, implementation and evaluation plan shall have three parts:

1. Part One: Oversight Plan**.** Part one of the oversight, implementation and evaluation plan shall be an oversight plan. Part one, the oversight plan, shall propose an oversight group that will be responsible for the ongoing oversight of the mental illness and drug dependency action plan. The oversight group shall include representation from other county, state and community agencies and entities involved in the mental health, substance abuse, domestic violence and sexual assault, homeless, justice, public health and hospital systems. The oversight plan shall also identify the proposed role of the oversight group and how the oversight group will link and coordinate with other existing county groups such as the Criminal Justice Council, the Committee to End Homelessness and the veterans and human services levy oversight groups. Part one of the oversight, implementation and evaluation plan shall be submitted to the council by April 1, 2008, for council review and approval by motion. Twelve copies of the part one oversight plan shall be filed with the clerk of the council, for distribution to all councilmembers and to the lead staff the law, justice and human services committee or its successor;

2. Part Two: Implementation Plan. Part two of the oversight, implementation and evaluation plan is an implementation plan. Part two, the implementation plan, shall describe the implementation of the programs and services outlined in the Mental Illness and Drug Dependency Action Plan. This description shall include: a schedule of the implementation of programs and services outlined in the Mental Illness and Drug Dependency Action Plan; a discussion of needed resources, including staff, information and provider contracts; and milestones for implementation of the programs. The implementation plan shall address how adult drug diversion court, one of the county's therapeutic courts, may also utilize sales tax revenue for program expansion. Additionally, because the council recognizes that there is a strong correlation between sexual assault and domestic violence victimization and subsequent mental health problems, substance abuse, homelessness, incarceration and usage of the emergency medical system, the implementation plan shall include a proposal on how to integrate programs that support specialized mental health or substance abuse counseling, therapy and support groups for victims of sexual assault, victims of domestic violence and children exposed to domestic violence, provided by or in collaboration with recognized sexual assault and domestic violence services providers. A revised 2008 spending plan and financial plan for the mental illness and drug dependency fund shall be included in part two. Part two shall be developed in collaboration with the oversight group. Part two of the oversight, implementation and evaluation plan shall be submitted to the council by July 3, 2008, for council review and approval by motion. Twelve copies of the part two implementation plan to the council shall be filed with the clerk of the council, for distribution to all councilmembers and to the lead staff the law, justice and human services committee or their successors; and

3. Part Three: Evaluation Plan. Part three of the oversight, implementation and evaluation plan is an evaluation plan. Part three, the evaluation plan, shall describe an evaluation and reporting plan for the programs funded with the sales tax revenue. Part three shall specify: process and outcome evaluation components; a proposed schedule for evaluations; performance measurements and performance measurement targets; and data elements that will be used for reporting and evaluations. Performance measures shall include, but not be limited to: the amount of funding contracted to date, the number and status of request for proposals to date, individual program status and statistics such as individuals served, data on utilization of the justice and emergency medical systems and resources needed to support the evaluation requirements identified in this subsection C.3. Part three shall be developed in collaboration with the oversight group. Part three of the oversight, implementation and evaluation plan shall be submitted to the council by August 1, 2008, for council review and approval by motion. Twelve copies of the part three evaluation plan to the council shall be filed with the clerk of the council, for distribution to all councilmembers and to the lead staff the law, justice and human services committee or their successors.

D.1. In addition to reviewing and approving the parts one, two and three of the oversight, implementation and evaluation plan outlined in subsection C. of this section, in coordination with the oversight group, the executive shall submit four quarterly progress reports and an one annual summary report for the programs supported with the sales tax revenue to the council. The quarterly reports shall include at a minimum:

a. performance measurement statistics;

b. program utilization statistics;

c. request for proposal and expenditure status updates;

d. progress reports on evaluation implementation;

e. geographic distribution of the sales tax expenditures across the county, including collection of residential ZIP code data for individuals served by the programs and strategies; and

f. updated financial plan.

2.a. The quarterly reports to the council are due to the council March 1, June 1, September 1 and December 1 for council review for years one and two and thereafter, every six months.

b.(1) The annual report to the council shall be submitted to the council by April 1, for council review and acceptance by motion. The annual report shall also include:

(a) a summary of quarterly report data;

(b) updated performance measure targets for the following year of the programs;

(c) recommendations on program and/or process changes to the funded programs based on the measurement and evaluation data;

(d) recommended revisions to the evaluation plan and processes; and

(e) recommended performance measures and performance measurement targets for each mental illness and drug dependency strategy, as well as any new strategies that are established. New or revised performance measures and performance measurement targets for the strategies shall be identified and included in the April 1, 2009, annual report and in each annual report thereafter.

3. Twelve copies of the quarterly reports and the annual report to the council shall be filed with the clerk of the council, for distribution to all councilmembers and to the lead staff the law, justice and human services committee or its successor.

E. Concurrent with the executive's 2009 budget proposal, and for each subsequent year that the tax exists, the executive shall submit a report on program expenditures and revenue as part of the annual budget review process. The information submitted with the executive's budget shall include an annual updated financial plan and a detailed spending plan for the tax funding, as well as revenue information. The elements of an annual spending plan, at a minimum, shall include:

1. A detailed list of funded activities along with a budget and revenue for each activity;
2. A reasonable estimate of cost per unit of service of activities;
3. The anticipated number of service units to be provided for each activity or item;
4. How many individuals are estimated to be served in each activity;
5. Whether the activity is to be completed by the county or by a contracted provider; and
6. Full time equivalent or term-limited temporary employee impact if service is provided by the county. (Ord. 16960 § 23, 2010: Ord. 16262 § 3, 2008: Ord. 16153 § 1, 2008: Ord. 15949 § 3, 2007).

4.33.020 Sale and use tax - mental health and chemical dependency services and therapeutic courts - exemption (expires January 1, 2017).

A. For the purpose of providing funding for the operation or delivery of mental health and chemical dependency programs and services, and therapeutic courts programs and services as authorized RCW 82.14.460, as it exists on October 11, 2009, an additional sales and use tax of one-tenth of one percent is hereby levied, fixed and imposed on all taxable events within King County as defined in chapter 82.08, 82.12 or 82.14 RCW, except as provided in subsection B. of this section. For the purposes of this section, "programs and services" includes, but is not limited to, treatment services, case management, and housing that are a component of a coordinated chemical dependency or mental health treatment program or service. The tax shall be imposed upon and collected from those persons from whom sales tax or use tax is collected in accordance with chapter 82.08 or 82.14 RCW, and shall be so collected at the rate of one-tenth of one percent of the selling price, in the case of a sales tax, or value of the article used, in the case of a use tax. This additional sales and use tax shall be in addition to all other existing sales and use taxes currently imposed by the county.

B. If, as a result of the imposition of the additional sales and use tax authorized in subsection A. of this section, the county imposes an additional sales and use tax upon sales of lodging in excess of the limits contained in RCW 82.14.410, the sales shall be exempt from the imposition of that additional sales and use tax. (Ord. 16663 § 2, 2009: Ord. 16077 § 6, 2008: Ord. 15949 § 4, 2007).

4.33.030 Use of tax proceeds (expires January 1, 2017).

A. The moneys collected under K.C.C. 4.33.020 shall be used solely for the purpose of providing for the operation or delivery of new or expanded chemical dependency or mental health treatment programs and services and for the operation or delivery of new or expanded therapeutic court programs and services, except a portion of the proceeds may be spent as authorized by RCW 82.14.460(4), as it exists on October 11, 2009, and subsection B. of this section. For the purposes of this section, "programs and services" includes, but is not limited to, treatment services, case management, and housing that are a component of a coordinated chemical dependency or mental health treatment program or service.

B. The proceeds of the tax authorized and imposed K.C.C. 4.33.020 may not be used to supplant existing funding for these purposes, except as authorized by RCW 82.14.460(4), as it exists on October 11, 2009, though nothing in this section shall be interpreted to prohibit the use of moneys collected under this section for the replacement of lapsed federal funding previously provided for the operation or delivery of services and programs as provided in this section.

C. For the purposes of this section, "proceeds" means the moneys raised by the additional sales and use tax authorized by this chapter and any interest thereon. (Ord. 16663 § 3, 2009: Ord. 16077 § 7, 2008: Ord. 15949 § 5, 2007).

4.33.040 Provisions applying to tax (expires January 1, 2017). The tax authorized and imposed under K.C.C. 4.33.020 shall take effect in accordance with RCW 82.14.055 and K.C.C. 4.33.050. (Ord. 15949 § 6, 2007).

4.33.050 Binding partnership agreements - required - commitments (expires January 1, 2017).

A. No proceeds of the tax authorized and imposed under K.C.C. 4.33.020 shall be provided to any contractor providing, annually, more than three million dollars in mental health treatment services through the King County regional support network unless that contractor has executed a binding partnership agreement covering employees performing community mental health services funded by public moneys with a bona fide labor organization and that:

1. Such an agreement has been implemented and has been in effect for at least three months; and

2. The labor organization and provider representatives have certified to the county executive that the agreement is operative with no significant deficiencies.

B. In the binding partnership agreement described in subsection A. of this section, providers and the labor organization shall, at a minimum, commit to:

1. Not use any funds received for its work on contracts with the county for the provision of mental health services to assist, promote or deter union organizing. For the purposes of this section, "assist, promote or deter union organizing" includes any attempt by an employer to influence the decision of its employees regarding whether to support or oppose a labor organization that represents or seeks to represent those employees;

2. Provide a current roster of employees to the county regional support network, including name, job title, department, work location and most recent date of hire;

3. Provide access to nonwork areas of provider facilities to union representatives for the purpose of allowing them to communicate with staff on nonwork time;

4. Agree to an expedited union recognition process through a National Labor Relations Board consent election agreement or a community election agreement;

5. Agree to an expedited collective bargaining process, if a majority of employees voting in an election choose union representation, that provides for interest arbitration of unresolved issues four months following certification of the bargaining unit;

6. Agree to include in such a collective bargaining agreement binding arbitration of grievances and a no-strike/no-lockout clause; and

7. Agree to binding arbitration of disputes concerning the interpretation and implementation of the partnership agreement. (Ord. 15949 § 7, 2007).

4.33.060 Council review and analysis (expires January 1, 2017). The council shall conduct a comprehensive review and analysis of the evaluation measures, targets, benchmarks and data related to the mental illness and drug dependency programs and strategies. This review shall occur every three years. The first review shall occur in 2011. (Ord. 16262 § 5, 2008).

Chapter 4.34
EXCISE TAX FOR ENHANCED 911

Sections:

4.34.010 Tax levied.
4.34.020 Rate.
4.34.030 Use of tax.
4.34.040 Tax collection.
4.34.045 Refunds under court order.
4.34.050 Washington State Department of Revenue access to tax information -authorization.

4.34.010 Tax levied.

A. There is hereby levied an excise tax on the use of all taxable switched access lines in King County, as authorized by RCW 82.14B.030.

B. There is hereby levied an excise tax on the use of each radio access line whose place of primary use as set forth in the records of the radio communications service company providing such radio access lines is located within King County, as authorized by RCW 82.14B.030.

C. There is hereby levied an excise tax on the use of each interconnected voice over Internet protocol service line whose place of primary use as set forth in the records of the company providing the interconnected voice over Internet protocol service lines is located within King County, as authorized by RCW 82.14B.030. (Ord. 16946 § 1, 2010: Ord. 14496 § 1, 2002: Ord. 11589 § 1, 1994: Ord. 6875 § 1, 1984).

4.34.020 Rate.

A. The rate of the tax imposed by K.C.C. 4.34.010.A. shall be seventy cents per month per switched access line.

B. The rate of the tax imposed by K.C.C. 4.34.010.B. shall be seventy cents per month per radio access line.

C. The rate of the tax imposed by K.C.C. 4.34.010.C. shall be seventy cents per month per interconnected voice over Internet protocol service line. (Ord. 16946 § 2, 2010: Ord. 14496 § 2, 2002: Ord. 11589 § 2, 1994: Ord. 9223 § 1, 1989: Ord. 7417 § 1, 1985: Ord. 6875 § 2, 1984).

4.34.030 Use of tax.

A. The proceeds of the tax imposed by this chapter before January 1, 2010, and investment earnings therefrom shall be used only to pay for the implementation and operation of an enhanced 911 emergency telephone system.

B. The proceeds of the tax imposed by this chapter on and after January 1, 2011, and investment earnings therefrom shall be used only to pay for the implementation and operation of an enhanced 911 emergency communications system and any applicable administrative fee charged by the state of Washington Department of Revenue for the administration and collection of the tax. (Ord. 16946 § 3, 2010: Ord. 6875 § 3, 1984).

4.34.040 Tax collection.

A. For taxes imposed before January 1, 2011, and collected by the county, the executive shall administer and collect the tax consistent with procedures approved in Ordinance 6507. The tax imposed by this chapter shall be collected from the end user by the telephone company providing the access line and by the radio communications service company providing the radio access line, and the due date for remittance of the tax collected shall be on or before the last day of the month following the month in which the tax liability accrues. Telephone companies collecting the tax shall be reimbursed for the actual costs of administration and collection of the tax. If a telephone company or radio communications service company retains funds for tax administration and collection, on each tax remittance statement, the company shall include a sworn statement from its chief financial officer, or other authorized person, on behalf of itself and its subsidiaries, that the funds retained for tax administration and collection comply with this chapter and chapter 82.14B RCW.

B. Taxes imposed on and after January 1, 2011, shall be collected by the state of Washington Department of Revenue as provided by state law. (Ord. 16946 § 4, 2010: Ord. 14496 § 3, 2002: Ord. 11589 § 3, 1994: Ord. 6875 § 4, 1984).

4.34.045 Refunds under court order. This section applies only to taxes imposed by this chapter and collected by the county. In the event that the tax or any portion thereof imposed by K.C.C. 4.34.010.B. is ordered to be refunded by final judgment of a court of record, the county shall, upon presentation of a certified copy of the final judgment, pay to each radio communications service company the portion of the ordered refund attributable to tax collected by the company, in trust for the benefit of end users from whom the tax was collected. Each company is required to promptly remit to each end user who paid tax for which refund is ordered the duly allocable portion of the refund held in trust. To the extent end users entitled to refund cannot be identified or located by the company with exercise of due diligence within three months of the date refund is received in trust by the company, the company shall return the undistributed trust funds and accumulations to the county, together with the last known name and address of each person entitled thereto, and the portion to which each is entitled. (Ord. 16946 § 5, 2010: Ord. 11589 § 4, 1994).

4.34.050 Washington State Department of Revenue access to tax information - authorization. The department of revenue of the State of Washington is hereby authorized access to tax information set forth in RCW 82.32.330 and any other provision of Title 82 or 84 RCW, upon substantially the same conditions as tax information is authorized to be disclosed by the Washington State department of revenue to King County taxing officials pursuant to RCW 82.32.330, 84.40.340, and 42.17.310, as each now exists or is hereafter amended. The county executive and the county assessor are authorized to execute an agreement on behalf of King County, consistent with the access herein granted. Tax information received by King County pursuant to such agreements is exempt from disclosure under the Public Disclosure Act and remains privileged and confidential pursuant to RCW 82.32.330. (Ord. 12274 § 1, 1996).

Chapter 4.35
EXCISE TAX ON TIMBER HARVESTED FROM PUBLIC LANDS

Sections:

4.35.010 Tax imposed - payment, collection and remittal.
4.35.020 Tax rates - excuse of tax.
4.35.030 Administration and collection.
4.35.040 Distribution of revenues.
4.35.050 Contract for administration and collection.
4.35.060 Inspection of county records authorized to facilitate administration.
4.35.070 Violations - misdemeanor.

4.35.010 Tax imposed - payment, collection and remittal. There is hereby imposed, as authorized by RCW 84.33.051(1), an excise tax on every person engaging in business in the county of King as a harvester as defined by RCW 84.33.035. The tax shall be paid, collected and remitted to the Department of Revenue of the state of Washington at the time and in the matter prescribed by RCW 84.33.086 and regulations adopted thereunder. (Ord. 15135 § 2, 2005: Ord. 6942 § 1, 1984).

4.35.020 Tax rates - excuse of tax.

A. For timber harvested from privately owned land, the tax imposed by K.C.C. 4.35.010 shall be equal to the stumpage value of the timber, as defined in RCW 84.33.035, multiplied by the rate of four percent.

B. For timber harvested from publicly owned land, the tax shall be equal to the stumpage value of the timber, as defined in RCW 84.33.035, multiplied by the following rates:

1. For timber harvested January 1, 2005, through December 31, 2005, 1.2 percent;
2. For timber harvested January 1, 2006, through December 31, 2006, 1.5 percent;
3. For timber harvested January 1, 2007, through December 31, 2007, 1.8 percent;
4. For timber harvested January 1, 2008, through December 31, 2008, 2.1 percent;
5. For timber harvested January 1, 2009, through December 31, 2009, 2.4 percent;
6. For timber harvested January 1, 2010, through December 31, 2010, 2.7 percent;
7. For timber harvested January 1, 2011, through December 31, 2011, 3.1 percent;
8. For timber harvested January 1, 2012, through December 31, 2012, 3.4 percent;
9. For timber harvested January 1, 2013, through December 31, 2013, 3.7 percent; and
10. For timber harvested January 1, 2014, and thereafter, 4.0 percent.

C. Any harvester, as defined in RCW 84.33.035, incurring less than fifty dollars liability in any calendar quarter in excused from the payment of the tax imposed by Ordinance 6942, Section 1, but may be required by the Department of Revenue to file a return even though no tax may be due. (Ord. 15135 § 3, 2005: Ord. 6942 § 3, 1984).

4.35.030 Administration and collection. The administration and collection of the tax imposed by this chapter shall be in accordance with chapters 82.32 and 84.33 RCW, including penal provisions, with respect to the tax imposed by Ordinance 6942, except that RCW 82.32.045 and RCW 82.32.270 shall not apply. (Ord. 15135 § 4, 2005: Ord. 6942 § 4, 1984).

4.35.040 Distribution of revenues. Revenue distributed to the county by the state Treasurer from the proceeds of the tax imposed by K.C.C. 4.35.010, shall be deposited in the county timber tax account as established by the finance and business operations division of the department of executive services. Within thirty days after receiving the revenues from the state Treasurer, the director of finance and business operations division of the department of executive services shall make distribution from the revenues to taxing districts in the county, except the state, as prescribed by RCW 84.33.081. (Ord. 15135 § 5, 2005: Ord. 6942 § 5, 1984).

4.35.050 Contract for administration and collection. The county executive is hereby authorized to contract with the Department of Revenue for the administration and collection of the tax imposed by K.C.C. 4.35.010, and to provide in the agreement for the payment from the tax proceeds of the costs of collection and administration incurred by the Department of Revenue as directed in RCW 84.33.051. (Ord. 15135 § 6, 2005: Ord. 6942 § 6, 1984).

4.35.060 Inspection of county records authorized to facilitate administration. The county agrees to give to the state Department of Revenue such facts and information and to permit the Department of Revenue to inspect the county's records in connection with the imposition, collection and administration of the tax imposed by K.C.C. 4.35.010, as may be necessary to permit the Department of Revenue to facilitate the administration of the tax and ensure the correct distribution of its proceeds as provided by chapters 82.32 and 84.33 RCW. (Ord. 15135 § 7, 2005: Ord. 6942 § 7, 1984).

4.35.070 Violations - misdemeanor. Any person responsible for payment of the tax imposed by this chapter who fails to pay amounts lawfully due, and any person engaging in an unlawful act as defined in RCW 82.32.290 is guilty of a misdemeanor. (Ord. 15135 § 8, 2005: Ord. 6942 § 8, 1984).

Chapter 4.36
COUNTY PROPERTY - PAYMENT OF RENT

Sections:

4.36.010 Rental payments.
4.36.020 Record and deposit of collections.

4.36.010 Rental payments. All rentals covering King County tax property and King County fee simple property shall be paid to the manager of the facilities management division. (Ord. 14199 § 82, 2001: Res. 9490 (part), 1945).

4.36.020 Record and deposit of collections. The manager of the facilities management division shall keep a complete record of all rentals collected, crediting to each piece of property the amount of rentals received, and deposit with the manager of the finance and business operations division all funds received at the close of business each Friday. (Ord. 14199 § 83, 2001: Res. 33602, 1967: prior Res. 9490 (part), 1945).

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Chapter 4.40
FINANCING ART IN COUNTY CONSTRUCTION PROJECTS

Sections:

4.40.005 Definitions.
4.40.015 Funding, appropriations, opportunities for pooling funds and use of funds.
4.40.025 Inclusion of public art requirements in grants to other agencies.
4.40.110 General obligation bond proceeds.
4.40.120 Harborview Medical Center capital reserves.

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4.40.005 Definitions.

Words in this chapter have their ordinary and usual meanings except those defined in this section, which have, in addition, the following meanings. If there is conflict, the specific definitions in this section shall presumptively, but not conclusively, prevail.

A. "Acquisition" or "county force acquisition" means the purchase of parcels of land, existing buildings, and structures, and costs incurred by the county for the appraisals or negotiations in connection with such a purchase.

B. "Arts and cultural development fund" means the special revenue fund established in K.C.C. 4.08.190 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 fund" means the fund established in K.C.C. 4.08.185.

H. "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. (Ord. 14482 § 57, 2002).

4.40.015 Funding, appropriations, opportunities for pooling funds and use of funds.

A. All capital improvement projects that are publicly accessible and visible, or for which there is a need for mitigation, shall contribute to the county's public art program.

1. The amount of the annual appropriation for public art shall be equal to one percent of the eligible project costs of those capital improvement projects that meet the criteria of public visibility and accessibility or need for mitigation. For the purposes of calculation, eligible project categories shall include capital improvement program projects for new construction, reconstruction or remodeling of buildings, parks and trails, commemorative structures, pedestrian and vehicular bridges, surface water management projects, wastewater treatment projects, transit facility construction projects and solid waste transfer stations.

2. The following project categories shall be considered ineligible and may be excluded from the public art program calculation base: roads; airport runways; sewers; and solid waste landfills. This ineligibility shall not preclude a client department, in cooperation with the cultural development authority, from proposing a public art project for a road, airport runway, sewer or solid waste landfill project that presents an opportunity for the inclusion of public art.

3. At a minimum, the amount budgeted for public art in a capital improvement project shall be equal to one percent of the following project elements: conceptual design, design, contracted design, preliminary engineering, construction, contingency, county force design and project administration and construction engineering. Costs associated with the predesign phase of the county's capital planning projects meeting the above criteria and anticipated to result in construction, shall be included in the calculation for public art.

4. The following project elements may be excluded from the budget calculation for public art: acquisition equipment and furnishings; and county force acquisition. Asbestos abatement may also be excluded from the budget calculation for art when the costs for asbestos abatement have been calculated and a line item budgeted for asbestos abatement as been established within the project budget.

5. In all cases, where a capital improvement project has a scope of work that includes both eligible and ineligible project elements and eligible and ineligible project categories, the budget for public art shall be calculated, at a minimum, in the eligible portions of the project.

B. At the time a capital improvement project is proposed, the client department shall calculate and include a budgeted line item for public art in each eligible project described in this section. The executive's budget representative shall confirm the calculations with the cultural development authority and include the agreed-upon appropriations for public art in the executive's proposed budget. The amounts budgeted for public art in particular projects may be adjusted to reflect council changes to the county capital improvement program budget or supplemental budgets. The appropriation for public art shall be transferred to the arts and cultural development fund and from there to the cultural development authority as soon as the appropriation is made for the capital improvement project, and as soon as funds are available.

C. The source of the funds shall not affect the calculation for public art for a capital improvement project unless the conditions under which the revenue is made available prevent its use for artistic purposes. In this case, the revenue shall be excluded from the eligible project costs on which the one percent calculation for art is based.

D. A policy is hereby established to direct the pooling of all public art program revenues on a departmental basis. Interest generated by public art revenues shall not be pooled on a departmental basis. However, interest from all revenues shall be pooled collectively and used for the purposes established in this section.

Pooling affords the opportunity to look at the needs of the county as a whole and use the public art revenues only in those projects that may have the greatest impact on communities or offer the best opportunities for artist involvement. Pooling on a departmental basis affords the opportunity for the cultural development authority and client departments to work collaboratively on projects that reflect the missions and goals of individual departments and to ensure that public art projects are adequately funded. It is not the executive's or council's intent that every capital improvement project which contributes to the public art fund revenues shall include a public art project. The decision regarding capital improvement projects that will include a public art project shall be determined jointly by the cultural development authority and the client department according to the procedures and criteria in this section and K.C.C. 2.46.150.

E. Revenues shall support the following uses:

1. The selection, acquisition and display of works of art, that may be an integral part of the project or placed in, on or about the project or other public space;

2. Artist fees, design, planning and predesign service contracts and commissions;

3. Expenses for technical assistance provided by either architects or engineers, or both, and to artists in order to design, document or certify the artwork;

4. Repair and maintenance of public artworks accessioned into the county's public art collection to the extent permissible under generally accepted accounting principles, grants, contracts and law;

5. Public art program administrative expenses relating to acquiring, developing or maintaining public art to the extent permissible under generally accepted accounting principles, grants, contracts and law;

6. Participation by citizens or costs of communicating with and receiving input from citizens, working with professional artists, introduction of public art to children, and education of the public about the county's rich cultural and artistic heritage;

7. Documentation and public education material for the public art program;

8. Liability insurance for artists; and

9. Pilot projects approved by the cultural development authority. (Ord. 14482 § 58, 2002: Ord. 12089 § 9, 1995. Formerly K.C.C. 2.46.070).

4.40.025 Inclusion of public art requirements in grants to other agencies. Funds that are distributed by the county to another agency for eligible capital improvement project with an estimated construction budget of two hundred fifty thousand dollars or more shall include a requirement for inclusion of public art. The public art shall be identified by the receiving agency and evaluated by the cultural development authority during the planning process to assure compliance by the receiving agency. (Ord. 14482 § 59, 2002: Ord. 12089 § 12, 1995. Formerly K.C.C. 2.46.100).

4.40.110 General obligation bond proceeds. In the case of any county construction project that meets the eligibility criteria for public art established in K.C.C. 4.40.015 that involves the use of general obligation bond proceeds, the resolution, resolutions, ordinance or ordinances submitted to the voters or the council shall include an allocation for public art equal to one percent of the eligible project cost. Bond revenues for public art shall be transferred to the cultural development authority as described in K.C.C. 4.40.015 to the extent consistent with arbitrage requirements and other legal restrictions. Bond revenues for public art not transferred to the cultural development authority shall be accounted for separately within the public art fund and managed according to K.C.C. chapter 2.46. (Ord. 14482 § 61, 2002: Ord. 12089 § 15, 1995: Ord. 9538 § 4, 1990: Ord. 9134 § 12, 1989: Ord. 6111 § 8, 1982).

4.40.120 Harborview Medical Center capital reserves. For any public art funds which involve the use of Harborview Medical Center's capital reserves (Fund 396), amounts for works of art described in this chapter shall be used for art projects at Harborview Medical Center. These funds shall be accounted for separately by the cultural development authority if necessary to comply with this requirement. (Ord. 14482 § 62, 2002: Ord. 12089 § 16, 1995: Ord. 9538 § 5, 1990: Ord. 9134 § 13, 1989).

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Chapter 4.42
USE OF THE HOTEL-MOTEL TAX

Sections:

4.42.020 Definitions.
4.42.025 Hotel-motel revenue allocations for cultural programs.
4.42.090 Hotel-Motel Special Support Program.
4.42.110 Compliance.
4.42.122 Refinancing of Kingdome Debt.

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4.42.020 Definitions. Words in this chapter have their ordinary and usual meanings except those defined in this section, which have, in addition, the following meanings. If there is conflict, the specific definitions in this section shall presumptively, but not conclusively, prevail.

A. "Charter" means the articles of organization of the cultural development authority adopted by the county and all amendments thereto.

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

C. "Cultural education" means the sequential and comprehensive study of the elements of the various arts and heritage forms and how to use them creatively including instruction in skills, critical assessment, the history of the arts and heritage forms and aesthetic judgment.

D. "Cultural education program" means the cultural program described in K.C.C. chapter 2.48 supported by the arts and cultural development fund.

E. "Cultural facilities" includes buildings and structures that are used primarily for the performance, exhibition or benefit of arts and heritage activities, including but not limited to performing arts, visual arts, heritage and cultural endeavors.

F. "Cultural facilities program" means the King County cultural program described in K.C.C. chapter 2.48 supported by the arts and cultural development fund.

G. "Cultural programs" means the programs for cultural education, cultural facilities, special projects and sustained support.

H. "Cultural resources" means community and regional programs and projects relating to: performing, visual, literary and other arts; public and civic art; heritage; museum and archival collections; historic preservation; cultural education; and cultural organizations, institutions and attractions.

I. "Culture" means the arts and heritage disciplines, which include, but are not limited to, dance, drama and theatre, music, visual arts, literary arts, media arts, performing arts, traditional and folk arts, ethnic arts and history, heritage and historic preservation.

J. "Fixed assets" means tangible objects such as machinery or equipment intended to be held for ten years or more that will benefit cultural institutions.

K. "Heritage" means King County's history, ethnic history, indigenous and traditional culture, folklore and historic and archaeological resources and those projects and programs initiated by the authority to preserve King County's heritage and to support community and regional heritage organizations and public agencies in such efforts.

L. "Special project program" means the King County cultural program described in K.C.C. chapter 2.48 supported by the arts and cultural development fund.

M. "Sustained support program for arts" means the King County cultural program described in K.C.C. chapter 2.48 supported by the arts and cultural development fund.

N. "Sustained support program for heritage" means the King County cultural program described in K.C.C. chapter 2.48 supported by the arts and cultural development fund. (Ord. 14482 § 65, 2002: Ord. 14440 § 2, 2002: Ord. 11242 § 2, 1994: Ord. 10189 § 2, 1991: Ord. 9279 § 2, 1989).

4.42.025 Hotel-motel revenue allocations for cultural programs.

A. Hotel-motel revenues deposited in The King County arts and cultural development fund, created under K.C.C. 4.08.190, shall be administered by the cultural development authority.

B. Hotel-motel revenues deposited in the King County arts and cultural development fund shall be used to support the cultural programs described in K.C.C. chapter 2.48: cultural facilities; cultural education; special projects; and sustained support. The hotel-motel revenues in the fund shall also support related administration of those programs by the cultural development authority.

C. Through December 31, 2012, at least forty percent of the hotel-motel revenues appropriated to the arts and cultural development fund and transferred to the cultural development authority shall be deposited in an account and used to establish cultural endowment. Principle and interest shall be managed by the cultural development authority in accordance with RCW 67.28.180(3)(a).

D. After allocating the hotel-motel portion of the arts and cultural development fund to administer cultural programs and to build the cultural endowment, the cultural development authority shall divide the hotel-motel revenues in the arts and cultural development fund between arts programs and heritage programs, but at least twenty percent of the revenue shall be allocated to heritage programs.

E. Beginning January 1, 2002, using revenues generated in 2001, outstanding debt service obligations shall be financed from hotel-motel revenues in the arts and cultural development fund. The obligations incurred before December 31, 2002, shall be managed by the department of executive services and paid by the cultural development authority.

F. After deducting the amount necessary to meet debt service obligations, the cultural development authority shall allocate hotel-motel revenues intended to support arts programs from the arts and cultural development fund as follows:

1. For cultural facilities and sustained support, eighty percent of remaining arts program revenues, but sustained support shall receive at least thirty percent of the eighty percent; and

2. For special projects and cultural education, twenty percent of remaining arts program revenues, but special projects shall receive at least thirty-four percent of the twenty percent.

G. After deducting the amount necessary to meet debt service allocations, the cultural development authority shall allocate hotel-motel revenues intended to support heritage programs from the arts and cultural development fund as follows:

1. For cultural facilities and sustained support, seventy percent of remaining heritage program revenues, but sustained support shall receive at least twenty percent of the seventy percent;

2. For special projects, thirty percent of remaining heritage program revenues, and

H. Hotel-motel revenues from the arts and cultural development fund shall not be used to support services and programs to be provided by the King County landmarks commission for land use regulation and archaeological resource management purposes as described in K.C.C. chapter 20.62. (14917 § 1, 2004: Ord. 14482 § 43, 2002: Ord. 14440 § 3, 2002).

4.42.090 Hotel-Motel Special Support Program. There is hereby created the King County Hotel-Motel Special Support Program.

A. The Hotel-Motel Special Support program shall be administered by the director of the department of finance under the direction of the executive and in accordance with guidelines and policies established by the council.

B. From January 1, 1992 through December 31, 2000, twenty-five percent, and from January 1, 2001 through December 31, 2012, thirty percent, of all excess hotel-motel tax revenues collected by the county under the provisions of RCW 67.28.180(3)(a), as amended, shall be allocated to the Hotel/Motel Special Support Program and shall be used for the following purposes and in a manner reflecting the following order of priority: Stadium capital improvements, acquisition of open space lands, youth sports activities and tourism promotion.

C. For the purposes of this section, "Stadium capital improvements" include, but are not limited to, a stadium restaurant facility operated by a private concessionaire under a contract with the county; restroom facilities; artificial turf system; seating facilities; parking facilities; and a scoreboard and information system adjacent to or within a county-owned stadium, together with equipment, utilities, accessories and appurtenances necessary thereto.

D. For the purposes of this section, "tourism promotion" includes activities intended to attract visitors for overnight stays, arts, heritage, and cultural events, and recreational, professional, and amateur sports events. Monies distributed for tourism promotion shall be in addition to and may not be used to replace or supplant any other funding by the county. Eligible applicants shall only include nonprofit organizations formed for the express purpose of tourism promotion in the county. Such organizations shall use monies distributed under this section to promote events in all parts of the county.

E. There shall be written guidelines and procedures for allocating funds under this section. The guidelines shall be written at the direction of the executive and shall be approved by the council. (Ord. 12076 § 48, 1995).

4.42.110 Compliance. All programs and projects funded under this chapter shall comply with Section 504 of the Federal Rehabilitation Act of 1973, as amended, and abide by current affirmative action laws and ordinances. (Ord. 9279 § 11, 1989).

4.42.122 Refinancing of Kingdome Debt.

A. Refinancing of Kingdome debt and dedication of hotel-motel tax revenue. It is the intent of the County to issue bonds to repay or refinance all or a portion of the existing bonded debt on the Kingdome, including but not limited to roof repairs, claims, and related costs. Such bonds, to be approved by future ordinance, shall be limited to tax general obligation bonds to which the county will also pledge the hotel-motel tax authorized by chapter 67.28 RCW, as amended by Referendum 48 sec. 501. Revenues received from such tax from January 1, 2013 through December 31, 2015 in excess of the amount required for this purpose shall be transferred to the stadium and exhibition center account pursuant to Referendum 48 sec. 501 (3)(b).

B. Pledge to maintain and continue taxes. The county hereby pledges to maintain and continue the taxes authorized in RCW 36.38.010(5), 67.28.180, and Referendum 48 sec. 302, until the bonds authorized in Referendum 48 sec. 210 are fully redeemed, both principal and interest. The county further pledges and dedicates to the repayment of the bonds issued to finance a stadium and exhibition center the full 2.0 percent hotel-motel tax during the years 2016 through 2020 in accordance with Referendum 48 secs. 501(2)(c)(ii) and 502(3)(c) together with excess revenues from such tax during the years 2013 through 2015 beyond that needed to pay Kingdome debt. (Ord. 12807 §§ 6 and 7, 1997).

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Chapter 4.44
TAX TITLE PROPERTY SALES

Sections:

4.44.010 Authority to sell county tax title property.

4.44.010 Authority to sell county tax title property. The facilities management division of the department of executive services is authorized to conduct sales of all county tax title property. (Ord. 14199 § 87, 2001: Ord. 12076 § 50, 1995).

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Chapter 4.48
JUNIOR TAXING DISTRICT LEVY CERTIFICATION

Sections:

4.48.010 Annual certification date.
4.48.020 Formal resolution required.
4.48.030 Resolution forwarded to council clerk and assessor.
4.48.040 Assessed property valuation certified.

4.48.010 Annual certification date. The junior taxing districts of King County shall annually certify to the King County council on or before the Wednesday next following the first Monday in October in each year the amount of levies to be made in support of their district for the ensuing year in total and by individual fund, except for 1978 levies only the certification shall be made on or before October 28, 1977. (Ord. 3432 § 1, 1977: Ord. 2152 § 1, 1974).

4.48.020 Formal resolution required. The certification required in Section 4.48.010 shall in all cases be a formal resolution of the board of commissioners and shall include the information required on the following form in the format shown:

"By Ordinance ..... of the King County Council Junior Taxing
Districts are required annually to submit the following
information regarding their tax levies for the ensuing year
as part of a formal resolution of the Board of Commissioners.

THE KING COUNTY ASSESSOR HAS NOTIFIED THE COMMISSIONERS OF ..... THAT THE ASSESSED VALUATION OF PROPERTY LYING WITHIN THE BOUNDARIES OF SAID DISTRICT FOR THE YEAR ..... IS .....

REGULAR (STATUTORY) LEVY:	$ .....
EXPENSE FUND	$ .....
RESERVE FUND	$ .....
COUPON WARRANT FUND	$ .....
OTHER (SPECIFY)	$ .....
G.O. BOND FUND LEVY	$ .....
SPECIAL LEVIES (SPECIFY YEAR AND PURPOSE OF LEVY)	$ .....
.....	$ .....
.....	$ .....
TOTAL TAXES REQUESTED	$ .....

THE ABOVE IS A TRUE AND COMPLETE LISTING OF LEVIES FOR SAID DISTRICT FOR THE YEAR ..... AND THEY ARE WITHIN THE MAXIMUMS ESTABLISHED BY LAW." (Ord. 2152 § 2, 1974).

4.48.030 Resolution forwarded to council clerk and assessor. Copies of the resolution shall be forwarded by registered mail to the clerk of the King County council and the King County assessor. (Ord. 2152 § 3, 1974).

4.48.040 Assessed property valuation certified. The King County assessor shall annually certify to junior taxing districts in King County the assessed valuation of property lying within the boundaries of the district for the ensuing year's tax levy by the third Monday after the first Friday in September, except for 1978 levies only, the certification shall be made on or before October 17, 1977. (Ord. 3432 § 2, 1977: Ord. 2152 § 4, 1972).

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Chapter 4.52
DELINQUENT LOCAL IMPROVEMENT ASSESSMENT FORECLOSURE

Sections:

4.52.010 Procedure.

4.52.010 Procedure. Whenever, on the first day of January of any year, two installments of any local improvement assessment are delinquent, or the final installment thereof has been delinquent for more than one year, the manager of the finance and business operations division, shall, on or before the first day of October of such year, proceed with foreclosure of such assessments or installments thereof in accordance with state law. (Ord. 14199 § 88, 2001: Ord. 12076 § 51, 1995).

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Chapter 4.56
REAL AND PERSONAL PROPERTY

Sections:

4.56.010 Fair market rental value defined.
4.56.020 Property sale authorized generally.
4.56.030 Inventory documentation and surplus personal property sales procedures.
4.56.035 Accountability for county personal property.
4.56.040 Sales of personal property - Value exceeding five thousand dollars.
4.56.050 Responsibilities and powers.
4.56.060 Real property - Responsibilities.
4.56.070 Facilities management division, county departments - responsibilities and powers in declaring county real property surplus.
4.56.075 Financial investment properties.
4.56.080 Sale of surplus real property - council approval required.
4.56.085 Public/private development projects on or with county property.
4.56.090 Notice of sale.
4.56.095 Emergency waiver of advertisement.
4.56.100 Sale of property - Public auction or sealed bid.
4.56.105 Distribution during budget process.
4.56.110 Cash sales of personal property.
4.56.115 Easements - temporary and permanent easements on county property - approval by ordinance - fees.
4.56.120 Property trade-ins.
4.56.130 Disposition of sale proceeds.
4.56.140 Intergovernmental sales and leases of real property.
4.56.150 Authority to lease or rent county real property.
4.56.152 Acquisition of real property.
4.56.160 Manner of awarding lease or rental agreement.
4.56.170 Applications for lease.
4.56.180 Lease terms.
4.56.186 Leasing real property for use by the county.
4.56.190 Execution of lease agreement.
4.56.195 Disposition of surplus vanpool vehicles from the metropolitan public transportation function by negotiated direct sales.
4.56.200 Reservation of powers.

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4.56.010 Fair market rental value defined. "Fair market rental value" is defined as an amount in the competitive market that a well-informed and willing lessor, who desires but is not required to lease, would accept, and which a well-informed and willing lessee, who desires but is not required to lease, would pay for the temporary use of the premises, after due consideration of all the elements reasonably affecting value. (Ord. 2622 § 2, 1976).

4.56.020 Property sale authorized generally.

A. Whenever it is for the best interests of King County, taxing districts and the people thereof that any part or parcel of property, whether real, personal or mixed, belonging to the county, including tax title land, should be sold, the county shall sell and convey such property under the limitations and restrictions and in the manner provided in this chapter.

B. In making such sales, the county may sell any timber, mineral or other resources on any land owned by the county separate and apart from the land in the same manner and upon the same terms and conditions as provided in this chapter for the sale of real property. However, any such timber, mineral or other resources not exceeding twenty-five hundred dollars in value may be sold as personal property, in the manner provided by this chapter. (Ord. 2622 § 3, 1976).

4.56.030 Inventory documentation and surplus personal property sales procedures. The fleet administration division of the department of transportation shall keep documentation of the county personal property inventory.

A. The fleet administration division shall review the department and agency inventory reports and investigate any large or unusual lost, stolen or unlocatable inventory amounts. The division shall compare current year amounts with previous years and to what is currently on hand. "Large" shall mean any dollar amount equal to, or in excess of, the current capitalization rate.

B. The personal property inventory shall include all items with a capitalization rate equal to or greater than the current capitalization threshold for equipment established in the federal Office of Management and Budget Circular No. A-87, Cost Principles for State, Local, and Indian Tribal Governments. All weapons shall continue to be tracked countywide by the fleet administration division, personal property section. Other below-threshold items that individual departments want to control may be managed at the department level in accordance with guidelines established by the fleet administration division, personal property section.

C. One employee in each department or agency shall be designated as the department's or agency's inventory contact. Property disposal in any department or agency shall be initiated by the inventory contact and approved by the department director or agency head. Documentation shall require the signatures of both the inventory contact and the department director or agency head, as applicable, on the disposition forms sent to the fleet administration division. No transactions will be valid without both signatures.

D. The employees in the fleet administration division who are involved in the inventorying and disposing of county personal property, as designated by the manager of the fleet administration division, and members of their immediate families shall be prevented from purchasing or otherwise participating in the purchase of surplus personal property.

E. At each sale a bidder sign-up sheet shall be posted to indicate whether the bidder is employed by the county, and, if so, in which department or agency, or whether any member of their immediate family is employed by the county and, if so, in which department or agency.

F. The fleet administration division will maintain comprehensive documentation of all personal property sales, including those items specified in RCW 36.32.210, as amended, and will document each deletion or change that is made to the final property sale listing. (Ord. 16225 § 1, 2008: 14199 § 89, 2001: Ord. 12045 § 21, 1995).

4.56.035 Accountability for county personal property. County employees shall be held accountable and responsible for all of the various personal property assigned to them during the course of their employment with the county.

A. Written documentation, by employee, of all changes in assigned capitalized items from the department or agency inventory reports will be recorded at the time of the occurrence and kept in each county department or agency.

B. The fleet administration division shall provide a report of losses to the county council, county administrative officer and office of risk management.

C. The fleet administration division shall recommend to the department or agency director or manager corrective action for all capitalized items lost or misplaced due to employee negligence or misconduct.

D. If the director or manager determines an employee to be negligent in his or her care of the property assigned to him or her or if a terminated employee fails to return personal property assigned to him or her, then the county may pursue any remedy available at law for recovery of loss of property. If a career service employee is disciplined, that employee has the right to the full protection of the county disciplinary-grievance process as established by applicable union bargaining agreements and the county code provisions and administrative guidelines for the career service.

E. The fleet administration division shall be the sole agency responsible for inventorying and disposing of county personal property. (Ord. 14199 § 90, 2001: Ord. 12045 § 20, 1995).

4.56.040 Sales of personal property - Value exceeding five thousand dollars. If the item or lot of surplus personal property carries a depreciated value of not less than five thousand dollars and not more than two hundred fifty thousand dollars in the current inventory, a survey committee will be convened to estimate the market value of an item of personal property, and the committee shall then advise the date, location and manner of sale that is likely to be the most advantageous to the county. The originating department, the manager of the fleet administration division, and the director of the department of transportation are to be represented on each survey committee that is convened. When the survey committee determines that an item or lot of surplus personal property carries a depreciated value of two hundred fifty thousand dollars or more, the county executive shall not dispose of said personal property without prior approval by motion of the council. The motion approved by the council shall state concisely a description of the item or lot of surplus personal property and procedures to be followed by the executive in disposing of the personal property through sale. (Ord. 14199 § 91, 2001: Ord. 12045 § 3, 1995).

4.56.050 Responsibilities and powers. The managers of the fleet administration and facilities management divisions shall have the responsibilities and powers assigned to their respective divisions in K.C.C. chapter 4.56, as amended. (Ord. 14199 § 92, 2001: Ord. 12045 § 2, 1995).

4.56.060 Real property - Responsibilities.

A. Except as otherwise provided in this chapter, the facilities management division, acting under the supervision of the county administrative officer, shall be the sole organization responsible for the administrative processes of acquiring, disposing, inventorying, leasing and managing real property, the legal title of which rest in the name of the county, or which the county manages in a trust capacity.

B. Open space, trail, park, agriculture and other natural resource real properties shall be acquired by the department of natural resources and parks, unless the executive directs the facilities management division to make such acquisitions.

C. Real property and interests in real property necessary for the metropolitan public transportation and metropolitan water pollution abatement functions shall be acquired and managed by the departments of transportation and natural resources and parks, respectively, as set forth in this chapter, unless the executive directs the facilities management division to make such acquisitions and/or manage such properties.

D. County departments shall be responsible for maintaining all real property for which they are the custodian. (Ord. 14199 § 93, 2001: Ord. 12394 § 1, 1996: Ord. 12045 § 4, 1995).

4.56.070 Facilities management division, county departments - responsibilities and powers in declaring county real property surplus.

A. The facilities management division shall, no later than the end of the first quarter of the calendar year, maintain and update a current inventory of all county titled real property with detailed information as to current departmental custodianship and as to the characteristics that determine its economic value and potential uses. However, all county roads shall be excluded from this section.

B. No later than April 1 of each calendar year, each department shall submit a report to the facilities management division on the status of all real property for which the department is the custodian and include in the report any change in use or status since the previous year's report.

C. County departments shall be required to report no later than April 1 of every year to justify departmental retention of all real property for which the department is the custodian to the facilities management division.

1. If in the judgment of the facilities management division a county department cannot justify the retention of real property for which it is the custodian or if a department determines that real property is surplus to its needs, the facilities management division shall determine whether any other county department has a need for the property that is related to the provision of essential government services, including, but not limited to, services for the public health, public safety or services related to transportation, water quality, surface water or other utilities. If the property is not needed for the provision of essential government services, the facilities management division shall then determine if the parcel is suitable for affordable housing. If it is deemed suitable for housing the county shall first attempt to make it available or use it for affordable housing in accordance with K.C.C. 4.56.085 or 4.56.100. Suitable for affordable housing for the purpose of this section means the parcel is located within the Urban Growth Area, zoned residential and the housing development is compatible with the neighborhood. If the property is not deemed suitable for the purposes described in this subsection C.1., then it shall be determined whether any other department has a need for the parcel.

2. If another department can demonstrate a need for the real property, custodianship of the real property shall be transferred to that department without any financial transaction between present and future custodial organizations, except as required by RCW 43.09.210, as amended, or under grants.

3. If another department cannot demonstrate a need for the real property, the real property shall be declared surplus to the future foreseeable needs of the county and may be disposed of as set forth in this chapter.

D. The facilities management division shall review and make recommendations to the executive for uses other than the sale of surplus real property before a decision by the executive to dispose of such properties through sale. Other possible uses that shall be considered by the division in accordance with this chapter are:

1. Exchanges for other privately or publicly owned lands that meet the county's land needs;
2. Lease with necessary restrictive covenants;
3. Use by other governmental agencies;
4. Retention by the county if the parcel is classified as floodplain or slide hazard property;
5. Use by nonprofit organizations for public purposes; and
6. Long-term lease or sale for on-site development of affordable housing.

E. The facilities management division in consultation with the department of community and human services shall, no later than July 1 of each year, submit a report to the council identifying surplus county real property suitable for the development of affordable housing. Affordable housing for the purpose of this chapter means residential housing that is rented or owned by a person:

1. Who is from a special needs population and whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income; or

2. Who qualifies as a very low-income, low-income or moderate-income household as those terms are defined in RCW 43.63A.510.

F. A park or recreational facility located in a potential annexation area may be transferred to the city designated to annex the area in which the park or recreational facility is located without being subject to this section, but any such a transfer must require that the park or recreational facility shall be used in perpetuity for park or recreation purposes unless other equivalent lands or facilities within the county or the city are received in exchange therefore and the replacement lands or facilities are used in perpetuity for park or recreation purposes.

G. The facilities management division shall review and make recommendations to the county executive regarding the surplus of any property, property rights and rights in property that are acquired by the department of natural resources and parks in accordance with Ordinance 14699, Section 2, 4 or 7*, no more than thirty days after receiving a written notice from the department of natural resources and parks that the property is surplus to the needs of siting or constructing the Brightwater wastewater treatment plant. Upon approval by the council of an ordinance authorizing the disposal of property acquired in accordance with Ordinance 14699, Section 2, 4 or 7*, the facilities management division shall consult with the department of natural resources and parks to determine the timing for disposal of this property. (Ord. 14699 § 6, 2003: Ord. 14561 § 23, 2002: Ord. 14431 § 1, 2002: Ord. 14199 § 95, 2001: Ord. 12394 § 2, 1996: Ord. 12045 § 5, 1995).

***Reviser's note: Ordinance 14699, Section 7, amended K.C.C. 4.56.080.**

4.56.075 Financial investment properties.

A. The facilities management division shall determine which real properties within the inventory of county-owned properties are defined by this section. These properties are currently not needed for county use but are held to provide a financial return to the county. It is the ultimate objective of the county to dispose of this type of property. Disposal should not occur until optimal market conditions exist for maximizing financial return to the county.

B. All properties within this category shall have an initial value established by an appraisal or, in lieu of this appraisal, a value shall be established by the facilities management division.

C. Except as provided in subsection E. of this section, all properties with values of less than five hundred thousand dollars shall be revalued by the facilities management division every three years from when the initial value was established until the property is disposed of. If a property increases in value to more than $500,000 it is subject to the provisions in subsection D. of this section.

D. All properties with values of greater than five hundred thousand dollars shall be valued by an independent appraiser. Except as provided in subsection E. of this section, these properties shall be revalued every three years from when the initial value was established.

E. When existing leases provide for rental adjustments at greater than three year intervals, the reevaluations required by subsections C. and D. of this section shall be performed no more than one year prior to the scheduled rental adjustment.

F. All appraisals shall address the following factors:

1. Current market conditions and trends which affect the value of the property;
2. Potential market conditions;
3. Value of any improvements on the property;
4. Impact on property value of temporary and permanent encumbrances upon the property such as leases, easements and any other arrangement which encumbers any portion of the property; and
5. Any other factors which, in the professional judgment of the appraiser, affect the value of the property.

G. A proposal to dispose of a property in this category shall be based upon an appraisal which has been performed within the past twelve months. A property shall be sold if analysis of its income producing potential and current market sales conditions demonstrates that a greater return to the public will be provided through sale of this property.

H. Properties in this category shall be disposed of in accordance with Ordinance 12045 [and] K.C.C. 4.56.100. In no case shall a property be sold for less than its appraised value or a value that reflects the income producing analysis required in subsection G. of this section, whichever is higher. The appraised value shall be established by an independent appraisal which has been completed within six months of the sale of this property.

I. In order to ensure that properties in this category that are retained by the county provide the optimal return, all lease renewals and extensions shall be authorized by ordinance. Any financial investment property that is under consideration for sale or exchange shall be evaluated by the executive for suitability to support transportation, and for each parcel that is proposed to be sold, a report containing the evaluation for transportation purposes shall be transmitted to the council with the necessary legislation authorizing disposal of the property. (Ord. 15569 § 1, 2006: Ord. 14199 § 95, 2001: Ord. 12045 § 6, 1995).

4.56.080 Sales of surplus real property - council approval required.

A. The approval of the council by ordinance is required before the executive disposing of county-titled real property through sale, the sale being recommended as a result of real property having been declared as surplus in compliance with the provisions of this chapter; though property with an apparent value of less than ten thousand dollars shall be excluded from this section.

B. If any property, property rights or rights in property are acquired by the department of natural resources and parks in accordance with Ordinance 14699, Section 2, 4 or 7*, and are later determined to be surplus to the department of natural resources and parks's needs, the council shall take action on a proposed ordinance authorizing the disposal of this property within sixty days of transmittal by the executive. (Ord. 14699 § 7, 2003: Ord. 12045 § 7, 1995).

***Reviser's note: Ordinance 14699, Section 7, amended K.C.C. 4.56.080.**

4.56.085 Public/private development projects on or with county property.

A. The office of business relations and economic development shall assist the department of executive services to determine the potential public/private uses of county owned real and personal property.

B. The department of executive services shall assist county departments in capital facilities planning and, in collaboration with the office of business relations and economic development, investigate the feasibility of, and when feasible, facilitate, public/private partnerships in the use of county property, in accordance with K.C.C. 4.56.070. These investigations shall include such actions as:

1. Preparing market and financial feasibility studies, holding public meetings and preparing recommendations;
2. Briefing the executive and council;
3. Soliciting developer proposals;
4. Selecting the developer;
5. Obtaining council approval;
6. Negotiating the developer agreement; and
7. Monitoring the development and use of assets.

C. The office of business relations and economic development shall provide assistance to other county departments to determine if real property or other assets may be managed for economic development purposes or administered in a manner that will provide revenue to the county. (Ord. 14561 § 24, 2002: Ord. 14199 § 96, 2001: Ord. 12394 § 3, 1996).

4.56.090 Notice of sale. Except as provided in paragraphs A.1 through A.6 of Section 4.56.100, when the county elects to sell property, the county shall advertise to the extent which the county deems necessary to effect an advantageous sale. Such advertising for real or personal property with a value in excess of one thousand dollars shall include publishing a notice in a legal newspaper at least once a week for two consecutive weeks, the last notice to appear no more than five days prior to the date of the auction or bid opening. An advertisement of sale of county property must particularly describe the property to be sold and designate the day, hour, and place of sale. When real property is to be sold, the advertisement of sale must contain both the street address, if available, and the legal description of the part and parcel. If real property is offered for sale on other than a cash basis, the terms must be stated in the advertisement. (Ord. 12045 § 8, 1995).

4.56.095 Emergency waiver of advertisement.

A. In the event of an emergency when the public interest or property of the county would suffer material injury or damage by delay, upon declaring the existence of such emergency and reciting the facts constituting the same the executive may waive the requirements of Section 4.56.090 with reference to any sale provided, that such exemption shall only apply to property having a value of less than fifty thousand dollars. The executive shall report, in detail, such emergency sale to the council within thirty days of declaring an emergency.

B. Should an emergency require the sale of property in excess of fifty thousand dollars, any such sale shall be approved by motion of the council, accompanied, if necessary, by ordinance declaring an emergency, following the executive's recommendation. The executive's recommendation shall include such statements as are necessary to fully explain the emergency. All sales of property involving an emergency circumstance shall be approved by the county executive. (Ord. 12045 § 9, 1995).

4.56.100 Sale of property - public auction or sealed bid.

A. All sales of real and personal property shall be made to the highest responsible bidder at public auction or by sealed bid except when:

1. County property is sold to a governmental agency;

2. The county executive has determined an emergency to exist; or the county council, by ordinance, has determined that unique circumstances make a negotiated direct sale in the best interests of the public;

3. County real property is traded for real property of similar value, or when county personal property is traded for personal property of similar value;

4. The facilities management division has determined that the county will receive a greater return on real property when it is listed and sold through a residential or commercial real estate listing service;

5. County personal property is traded in on the purchase of another article;

6. Property has been obtained by the county through the proceeds of grants or other special purpose funding from the federal or state government, wherein a specific public purpose or purposes are set forth as a condition of use for the property, that purpose or purposes to be limited to the provision of social and health services or social and health service facilities as defined in chapter 43.83D RCW, and it is deemed to be in the best interest of the county, in each instance, upon recommendation by the county executive and approval by the county council, that in order to fulfill the condition of use, the county may sell or otherwise convey the property in some other manner consistent with the condition of use; provided, that in the event such property is conveyed pursuant to the provisions of this subdivision, the conveyee or conveyees shall be limited to private, nonprofit corporations duly organized according to the laws of the state of Washington, which nonprofit corporations are exempt from taxation under 26 U.S.C. Sec. 501(c) as amended, and which nonprofit corporations are organized for the purpose of operating social and health service facilities as defined by chapter 43.83D RCW;

7. The county property is sold for on-site development of affordable housing which provides a public benefit, provided that the developer has been selected through a request for proposals;

8. It is deemed to be in the public interest to restrict the use of the project for provision of social or health services or such other public purposes as the county deems appropriate;

9. The facilities management division for real property and the fleet administration division for personal property, in consultation with the county executive and the county council, may, in the best interests of the county, donate or negotiate the sale of either county surplus personal property or real property, or both, with bona fide nonprofit organizations wherein the nonprofit organizations provide services to the poor and infirm or with other governmental agencies with whom reciprocal agreements exist. Such transactions will be exempt from the requirements of fair market value, appraisal, and public notice. The facilities management division or fleet administration division, as applicable, also may, in the best interest of the county, procure services to support King County in lieu of payment with nonprofit organizations who provide services which will benefit the public. Such transactions are based upon the recommendation of the facilities management division or fleet administration division, as applicable, and the department having custodianship of the property. The facilities management division or fleet administration division, as applicable, shall maintain a file of appropriate correspondence or such information which leads to a recommendation by the division to the county executive and the county council to undertake such transactions, and such information shall be available for public inspection at the facilities management division or fleet administration division, as applicable. The facilities management division or fleet administration division, as applicable, may also seek reimbursement from the benefiting organization for the administrative costs of processing the surplus property;

10. The county property is a retired passenger van being made available in accordance with subsection D. of this section; or

11. The county property is located in a historic preservation district within the Urban Growth Area and is sold to a nonprofit corporation or governmental entity for one-site mixed use development consistent with historic preservation requirements, which includes affordable housing and which may also include market rate housing, retail or other uses, and which is selected after a competitive request for proposal process.

B. The county may, if it deems such action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from sale. The county may then renegotiate the sale of withdrawn property, providing the negotiated price is higher than the highest rejected bid.

C. In any conveyance of real property that requires construction of affordable housing in development of the property, the executive shall include covenants so that:

1. At least with respect to that construction, the prevailing rate of wage, as defined in RCW 39.12.010, will be required to be paid to all worker classifications for which the state Department of Labor and Industries has established a prevailing rate of wage; and

2. At least with respect to that construction, state-certified apprentices for construction will be required to be used across the trades, including women, at-risk youth or people of color, with a fifteen percent apprentice utilization goal.

D. Whenever the procedures of a grant agency having an interest in real or personal property requires disposition in a manner different from the procedures set forth in this chapter, the property shall be disposed of in accordance with the procedures required by this chapter unless the grant agency specifically requires otherwise.

E. Each year, the transit division shall make available retired passenger vans for exclusive use by nonprofit organizations or local governments that are able to address the mobility needs of low-income, elderly or young people or people with disabilities. Each agency selected to receive a van must enter into an agreement with King County that provides that the agency will accept the van "as is" without guarantee or warranty expressed or implied and shall transfer title as prescribed by law before use. The council shall allocate the vans by motion to nonprofit organizations or local governments based upon the following criteria:

1. Demonstrated capacity to support ongoing van operation, including assured funding for licensing, insuring, fueling and maintaining the van;

2. Ability to provide qualified and trained drivers;

3. Specific plans for use of the van to transport low-income, elderly or young people or people with disabilities, and assurance that the use shall be available to those persons without regard to affiliation with any particular organization;

4. Geographic distribution of the van allocations in order to address the mobility needs of low-income, elderly or young people or people with disabilities countywide; and

5. Ability to support county's public transportation function by reducing single occupancy vehicle trips, pollution and traffic congestion; supplementing services provided by the county's paratransit system and increasing the mobility for the transit-dependent for whom regular transit might not always be a convenient option. (Ord. 16659 § 1, 2009: Ord. 15546 § 2, 2006: Ord. 15044 § 3, 2004: Ord. 14199 § 97, 2001: Ord. 12989 § 1, 1998: Ord. 12394 § 4, 1996: Ord. 12045 § 10, 1995).

4.56.105 Distribution during budget process. K.C.C. 4.56.100A.9 shall not preclude the council from directing the distribution of surplus real and/or personal property during the county's annual budget process. (12989 § 3, 1998).

4.56.110 Cash sales of personal property. Sales of personal property must be for cash, certified check or cashier's check, except when it is transferred to a governmental agency, traded in on the purchase of another article, or traded for another article of similar value. (Ord. 2622 § 12, 1976).

4.56.115 Easements - temporary and permanent easements on county property - approved by ordinance fees.

A. The executive is authorized to execute utility easements, bills of sale or related documents necessary for the installation, operation and maintenance of utilities to county property, provided that the documents are reviewed and approved by the custodial department or agency and the real estate services section of the facilities management division. Temporary and permanent easements for utility purposes other than service to county property may be granted by the executive if the easements will not interfere with or hinder the use of the property by the custodial department or agency though the utility easements that exceed fifty thousand dollars in value shall be subject to prior approval by ordinance. Any other permanent easements granted by the county shall be subject to prior approval by ordinance when the value of the easement would exceed fifty thousand dollars. A party requesting a new easement, amended easement or easement transfer shall pay an easement application fee of three thousand dollars as reimbursement to the real estate services section for the administrative costs and expenses incurred in the processing of the easement. The easement application fee is payable at the time the easement is requested from the real estate services section. The easement application fee and other fees are not refundable, even if the application is disapproved or not executed by the applicant. In addition, the real estate services section shall have the authority to require applicants to reimburse the real estate services section for the actual costs incurred by the real estate services section as a result of the grant, issuance or renewal of amendment of an easement, to the extent the costs exceed the costs of processing the easement application recovered by the applications fee. The payment of actual costs balances shall be made at the time of the easement issuance.

B. The executive is authorized to relinquish any easements granted to the county which are determined to be surplus to the county's foreseeable needs or to trade an easement for real property or easements of a similar nature and value, though relinquishments of easements where the county spent more than $50,000 in their acquisition shall be subject to prior approval by ordinance. (Ord. 16295 § 2, 2008: 14199 § 98, 2001: Ord. 12045 § 11, 1995).

4.56.120 Property trade-ins.

A. King County may trade in property belonging to the county or to any taxing district within King County when purchasing other property. If the county elects to trade in property, it shall include in its call for bids on the property to be purchased a notice that the county has for sale or trade-in property of a specified type, description and quantity which will be sold or traded in on the same day and hour that the bids on the property to be purchased are opened. Any bidder may include in its offer to sell, an offer to accept the designated county property in trade by setting forth in the bid the amount of such allowance.

B. In determining the lowest and best bid, the county shall consider the net cost to the county after trade-in allowances have been deducted. The county may accept the bid of any bidder without trade-in of the county property, but may not require any such bidder to purchase the county property without awarding the bidder the purchase contract. Nothing in this section shall bar anyone from making an offer for the purchase of the used equipment independent of a bid on the new equipment, and the county shall consider such offers in relation to the trade-in allowances offered to determine the net best sale and purchase combination for the county. (Ord. 2622 § 13, 1975).

4.56.130 Disposition of sale proceeds.

A. The county organizations responsible for conducting sales shall be reimbursed for advertising, postage and selling fees, if any, from the proceeds of the sale. The manager of the finance and business operations division is authorized to establish such funds and accounts necessary to deposit sale proceeds until final disposition. The balance of the proceeds shall be deposited into the proper county fund or account, as directed by the facilities management division, the fleet administration division or the county council, as applicable. On transactions with gross sale proceeds of two hundred fifty thousand dollars or greater that are to accrue to the current expense fund, ten percent of the gross sale proceeds are to be deposited into the arts and cultural development fund.

B. In no case shall the title be transferred until the purchase price has been fully paid. (Ord. 14260 § 1, 2001: Ord. 14199 § 99, 2001: Ord. 12045 § 12, 1995).

4.56.140 Intergovernmental sales and leases of real property.

A. The county may dispose of or lease county real property to another governmental agency and may acquire property for the county from another governmental agency by negotiation, upon such terms as may be agreed upon and for such consideration as may be deemed by the county to be adequate.

B. Prior to intergovernmental disposal of real property with an estimated value greater than the amount set forth in RCW 39.33.020, as amended, public notice and hearing shall be provided in accordance with such statute. (Ord. 14199 § 100, 2001: Ord. 12045 § 13, 1995).

4.56.150 Authority to lease or rent county real property.

A. If it appears that it is in the best interests of the county, the county may lease any county real property and its appurtenances for a year or a term of years under the limitations and restrictions and in the manner provided in this chapter.

B. The county may lease county real property and its appurtenances in accordance with subsection A of this section whether the property was acquired by tax deed under foreclosure proceedings for nonpayment of taxes or the property is held or acquired in any other manner.

C. Any lease executed under this section creates a vested interest and a contract binding upon the county and the lessee.

D. The county may enter into rental agreements for a term less than one year, including month-to-month rental agreements, on terms and conditions that are in the best interest of the county. All rental agreements for a term less than one year are subject to approval by the executive based on recommendations of the facilities management division. Rental agreements for a term less than one year are exempt from the appraisal, and notice requirements pertaining to leases for a year or more. The facilities management division shall maintain a file of appropriate correspondence or other information that leads to a recommendation by the facilities management division to the county executive to enter into such an agreement. The information shall be available for public inspection at the facilities management division for one year after termination of the tenancies.

E.1. The county may enter into agreements for the use of county property with bona fide nonprofit organizations or with another governmental agency if the property is to be used in any one or more of the following ways:

a. for a medical training and research facility connected with a county hospital; or

b. by the nonprofit organization or governmental agency for affordable housing;

c. by the nonprofit organization or government agency to make improvements to the county property; or

d. by the nonprofit organization or government agency to provide services that will benefit the public.

2. The agreements are exempt from the requirements of fair market value, appraisal and notice. The agreements are subject to the approval of the executive, based upon recommendation of the facilities management division and the department having custodianship of the property subject to the agreement. The facilities management division shall maintain a file of appropriate correspondence or other information that leads to a recommendation by the division to the county executive to enter into such an agreement. The information shall be available for public inspection at the facilities management division for one year after termination of the tenancies.

F. For rental or lease agreements for parks and recreation facilities, the natural resources and parks department shall have the authorities and responsibilities specified in subsections D and E of this section for the facilities management division. County council approval is not required for rental or lease agreements for parks and recreational facilities with an original term of five years or less. For the purposes of this subsection, "original term" includes extensions that could be effective without county approval. Revenue derived from rentals and leases of parks and recreation facilities shall be applied solely to parks and recreation purposes. (Ord. 14509 § 35, 2002: Ord. 14199 § 101, 2001: Ord. 12394 § 5, 1996: Ord. 12045 § 14, 1995).

4.56.152 Acquisition of real property. In acquiring real property or interests in real property, county departments and agencies shall comply with requirements as may be established from time to time by the council and with state and federal laws and regulations as they may apply. The provisions of chapter 8.26 RCW related to acquisition and relocation assistance shall apply to such acquisitions unless for a project or program the council determines otherwise by ordinance. (Ord. 12045 § 18, 1995).

4.56.160 Manner of awarding lease or rental agreement.

A. Except as provided in K.C.C. 4.56.150 D and E, and subsections D and E of this section, fair market rental value, as defined in K.C.C. 4.56.010, shall be the basis for all leases of county real property. All leases will be awarded upon the best terms and conditions available to the county.

B. Except as provided in subsections D and E of this section, when the county authorizes a new lease, or the renewal of a lease once executed and delivered, the facilities management division shall make an appraisal of the fair market rental value of such property, and such fair market rental value will serve as the basis for the new lease or renewal. After the review, the manager of the facilities management division shall determine whether the new lease, or renewal of an existing lease, is to be awarded by competitive bidding or by negotiation with interested parties without bidding. New leases shall be awarded by competitive bidding unless the manager of the facilities management division determines it is advantageous to the county to negotiate without bidding. In the event the county negotiates the award of lease contracts, the facilities management division shall submit to the executive the reasons for recommending award through negotiation rather than competitive bidding. At the option of the executive, competitive bidding may be required. The county shall give notice of its intention to execute a lease by publishing a notice in a legal newspaper at least once a week for the term of two weeks. The notice so published shall adequately describe the property to be leased and shall contain a notice that a copy of the lease is available for public inspection at the facilities management division. Such notice requirement shall not apply to leases or renewals awarded through competitive bidding or in accordance with subsections D and E of this section. Every new lease, or extension, modification or renewal of a lease, once executed and delivered, shall be signed or caused to be signed by the county executive, in accordance with Section 320.20 of the King County Charter, following analysis and recommendations of the manager of the facilities management division and the county department having custodianship of the property. After awarding of the new lease, modification, extension or renewal, a copy of the instrument as executed and delivered shall be available for public inspection at the facilities management division.

C. When the county elects to lease its property pursuant to public bidding, the county shall advertise to the extent which the county deems necessary to effect an advantageous lease. Such advertising shall include publishing a notice in a legal newspaper at least once a week for three consecutive weeks, the last notice to appear no more than five days prior to the date of the auction or bid opening. When a lease of county real property is awarded through competitive bidding, the lease shall be awarded to the highest responsible bidder; provided, that whenever there is reason to believe that the highest acceptable bid is not the best rental obtainable, all bids may be rejected and the county may call for new bids or enter into direct negotiations to achieve the best possible rental. Each bid, with the name of the bidder, shall be recorded by the facilities management division, and each record, with the name and address of the successful bidder and the amount of the successful bid, shall, after the awarding of the lease, be open to public inspection at the facilities management division. In determining the highest responsible bidder, in addition to rental, the following elements shall be given consideration:

1. The financial responsibility of the bidder, and references therefor;
2. The previous and existing compliance by the bidder with the terms of other leases of county real property and the laws relating thereto; and
3. Such other information as may be secured relevant to the decision to award the lease.

D. If property was obtained by the county through the proceeds of grants or other special purpose funding from either the federal or state government, or both, in which a specific public purpose or purposes are set forth as a condition of use for such property, the purpose or purposes are to be limited to the provision of social and health services or social and health services facilities as defined in chapter 43.83D RCW, and upon recommendation by the county executive and approval by the county council, the facilities management division may obtain and lease out the property pursuant to such terms and conditions as are consistent with said purposes; provided, that in the event such property is leased pursuant to the provisions of this subsection, the lessee(s) shall be limited to private, nonprofit corporations duly organized according to the laws of the state of Washington, which are exempt from taxation under 26 U.S.C. Section 501(b) as amended and which are organized for the purpose of operating social and health services facilities as defined by chapter 43.83D RCW.

E. If the county desires to have a building for its use erected on land owned or to be acquired by the county, the facilities management division may lease the land for a reasonable rental; provided, that the county shall lease back the building or a portion thereof for the same term as established for the land lease. The leases shall include the following provisions:

1. No part of the cost of construction of the building shall ever be or become an obligation of King County;

2. King County shall have a prior right to occupy any or all of the building upon payment of rent as agreed upon by the parties, which rent shall not exceed prevailing rates for comparable space;

3. During any time that all or any portion of the building is not required for occupancy by King County, the lessee of the land may rent the unneeded portion to suitable tenants approved by King County; and

4. Upon expiration of the leases, all buildings and improvements on the land shall become the property of King County. (Ord. 14199 § 102, 2001: Ord. 13125 § 1, 1998: Ord. 12394 § 7, 1996: Ord. 12045 § 15, 1996).

4.56.170 Applications for lease.

A. Applications to lease county real property shall be submitted to the facilities management division.

B. The right is reserved by the county to require that a deposit of a reasonable amount accompany all applications or bids to lease county real property. If a deposit is required, all deposits upon the same lease shall be of equal amount. The deposit shall be in the form of a certified check or cashier's check, or may be paid in cash. In case the lands applied for are leased at the time of application, the deposit shall be returned to the applicant; but if the party making application fails or refuses to comply with the terms of his/her application and to execute the lease, the deposit shall be forfeited to the county, and deposited in the current expense fund. (Ord. 14199 § 103, 2001: Ord. 12045 § 16, 1995).

4.56.180 Lease terms.

A. The county may lease real property for a term of years and upon such terms and conditions as may be deemed in the best interests of the public and the county. A lease shall not be for a longer term in any one instance than ten years, except as follows:

1. If the county determines it to be in the best interest of the county, real property necessary to the support or expansion of an adjacent facility may be leased to the lessee of the adjacent facility for a term to expire simultaneously with the term of the lease of the adjacent facility, but not to exceed thirty-five years;

2. If the county determines it to be in the best interest of the county, if the property to be leased is improved or is to be improved and the value of the improvement is or will be at least equal to the value of the property to be leased, the county may lease the property for a term not to exceed thirty-five years;

3. If the property to be leased is to be used for public recreation and police training purposes, for parks and recreation purposes, for a hospital or a medical training and research facility, for a childcare facility to be improved with full or partial funding from a government-sponsored childcare bonus program, for the county's own use in accordance with a lease or leaseback arrangement entered into under K.C.C. 4.56.160.E. or for major airport, industrial, office or other commercial purposes or transit-oriented development, requiring extensive improvements, the county may lease the property for a term equal to the estimated useful life of the improvements, but not to exceed fifty years; unless the property is leased to a public housing authority or nonprofit organization in accordance with RCW 36.34.135, in which case the term may extend to seventy-five years; and

4. Leases entered into under K.C.C. 4.56.160.D. may extend for the period of years necessary to amortize the special purpose funds, not to exceed twenty-five years.

B. The lessee shall not improve or alter the leased property in any manner without the prior written consent of the county, but shall, before making improvements or alterations, submit plans and designs for the improvement or alteration to the county for approval. If the plans and designs are disapproved, the improvements or alterations shall be made only with such changes as may be required by the county. Unless otherwise stipulated, all improvements or alterations erected or made on the leased property shall, on expiration or sooner termination of the lease, belong to the county without compensation to the lessee, but the county shall have the option, to be exercised on expiration or sooner termination of this lease, to require the lessee to remove any or all of the improvements or alterations. If the lessee fails substantially to make the improvements or alterations required by the lease, the lease shall be terminated and all rentals paid shall be forfeited to the county.

C. Except for lease or leaseback arrangements entered into under K.C.C. 4.56.160.E., any lease made for a period longer than five years shall contain provisions requiring the lessee to permit the rents to be adjusted and fixed by the county every five years, but any lease may provide for more frequent readjustments. If the lease permits the county to adjust the rent, the county shall give the lessee written notice of the adjusted rent, in accordance with the terms of the lease. The rent as adjusted shall take effect thirty days after the date of the notice unless the lessee, within thirty days following the receipt of the notice from the county, gives the county written notice of the lessee's rejection of the adjusted rent. If the lessee and the county cannot agree upon the rental readjustment, the rent shall be adjusted by arbitration. For arbitration, the lessee and the county shall each select one disinterested arbitrator and the two selected arbitrators shall select a third. If the two arbitrators have not selected a third arbitrator within thirty days after the selection of the last selected of the two, either the lessee or the county shall apply to the presiding judge of the superior court for King County for the appointment of a third arbitrator. Each arbitrator must be a member of the American Institute of Real Estate Appraisers, the Society of Real Estate Appraisers or other appraisal society or association having equivalent ethical and professional standards. If a licensing requirement for real estate appraisers is imposed by any legislative body, each arbitrator shall also be so licensed. The three arbitrators shall determine a fair rent for the premises based upon the fair market rental value of the property, as defined in K.C.C. 4.56.010. The decision of a majority of the arbitrators shall bind both the lessee and the county. At the conclusion of the arbitration, the arbitrators shall submit written reports to the lessee and the county. The cost of the arbitration shall be divided equally between the lessee and the county.

D. Except as provided in K.C.C. 4.56.150.D. and E. and 4.56.160.D., the rent of all leases of county real property shall be based upon fair market rental value, as defined in K.C.C. 4.56.010.

E. No lease shall be assigned or subleased without the assignment or sublease being first authorized by the county in writing. All leases, when drawn, shall contain this provision.

F. Notwithstanding the other provisions of this chapter and following such procedures as may be determined appropriate by the council, the executive may enter into long-term master leases of county property under which developers: would develop the property into office and other space required or approved by the county; would lease some of space back to the county and may lease space unneeded by the county to private or public entities for private or public uses as approved by the county council; and would convey all leasehold improvements to the county at the expiration or termination of the master leases. A master lease shall be subject to approval by the council. (Ord. 16745 § 4, 2010: Ord. 14509 § 36, 2002: Ord. 13599 § 1, 1999: Ord. 13125 § 2, 1998: Ord. 12045 § 17, 1995).

4.56.186 Leasing real property for use by the county. 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 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. (Ord. 12045 § 19, 1995).

4.56.190 Execution of lease agreement.

A. Upon the decision of the county to lease the lands applied for, a lease shall be executed in duplicate to the lessee by the county executive or his designee, which lease shall also be signed by the lessee. The lease shall describe the property conveyed, and the terms of payment.

B. The request for proposal or invitation to bid documents, for all new leases of real property for a term exceeding five years, must be approved by the King County council, prior to the advertisement and issuance of the request for proposal or invitation to bid.

C. For all leases having an original term exceeding five years, amendments which would extend the term by more than five years, or increase the area leased by more than twenty percent, or require construction of improvements which would cost at least fifty percent of the estimated value of the property leased, or substantially change the overall use of the leased property, must be approved by the King County council prior to execution by the King County executive. (Ord. 7724, 1986: Ord. 7579, 1986: Ord. 2622 § 20, 1976).

4.56.195 Disposition of surplus vanpool vehicles from the metropolitan public transportation function by negotiated direct sale. In addition to disposing of surplus vanpool vehicles from the metropolitan public transportation function by public auction or sealed bid as provided elsewhere in this chapter, the county may dispose of such vehicles by negotiated direct sale if the fleet administration division determines such disposition method will likely yield higher returns to the county than the public auction or sealed bid methods.

A. The county may use the services of a broker under contract to the county to conduct such negotiated direct sales. If such sale will be conducted by a broker, the broker shall be selected and a contract awarded in accordance with the negotiated procurement policies set forth in K.C.C. chapter 4.16. The provisions of the broker contract shall include the following:

1. The broker shall provide notice to the public of the availability of the vehicles;

2. The broker shall receive a commission as negotiated with the county and set forth in the broker contract;

3. The term of the broker contract may be for greater than one year but shall not exceed three years; and

4. The county reserves the right to transfer or sell vehicles outside of the broker contract to governmental, quasi-governmental and social service agencies and other parties selected by the executive or the council, as applicable, and in the event of such transfers or sales, shall owe no commission or other payments to the broker except to the extent the broker has incurred costs related to vehicles provided to the broker but subsequently withdrawn from the broker by the county.

B. Drivers of vanpool vehicles, as consideration for driving the vehicles, shall receive a credit against the purchase price of vanpool vehicles. The credit for drivers shall not exceed one thousand dollars based on a credit of twenty dollars for each month as a driver. The manager of the transit division of the department of transportation shall determine the credit earned by each driver and submit such determination to the manager of the fleet administration division. (Ord. 14199 § 104, 2001: Ord. 12192 § 1, 1996).

4.56.200 Reservation of powers. King County reserves all powers now or hereafter granted to counties by RCW Chapter 36.34. (Ord. 2622 § 21, 1976).

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Chapter 4.57
CONCESSION CONTRACTS FOR RECREATIONAL FACILITIES

Sections:

4.57.005 Definitions.
4.57.010 Authorization to negotiate and enter into contracts, general authority.
4.57.020 Terms of contract.
4.57.030 Maintenance and capital improvements.
4.57.040 Compliance with laws and regulations.
4.57.050 Prices and fees.
4.57.060 Public use of facility.
4.57.070 Insurance.
4.57.080 Indemnity and hold harmless.
4.57.090 Limited provision.

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4.57.005 Definitions. For the purposes of this chapter, unless the context clearly requires otherwise:

A. The definitions in K.C.C. 7.01.010 apply; and

B. "Concessionaire" means a person who has entered into a concession contract with the county. (Ord. 14509 § 37, 2002).

4.57.010 Authorization to negotiate and enter into contracts, general authority. The executive or the director of the department of natural resources and parks, if designated by the executive may on behalf of the county negotiate and enter into concession contracts with any person. The contract should provide that the person receiving the concession has the primary responsibility for operating, managing and maintaining any facility used during the term of the contract. (Ord. 14509 § 38, 2002: Ord. 14199 § 105, 2001: Ord. 12076 § 52, 1995).

4.57.020 Terms of contract. The county may enter into a concession contract under this chapter for a term not to exceed thirty-five years. The county council must approve any concession contract with an original term that exceeds five years. For the purpose of this section, "original term" includes extensions that could be effective without county approval.

The county shall establish a contract fee based on, among other factors, the revenue generated by the concessionaire from recreation user fees, admission fees, sales of goods and services, and other revenue sources directly related to the use of the subject property, with the goal of maximizing revenue to the county. However, the contract fee may be reduced to reflect expenditures by the concessionaire for capital improvements. In addition, the concessionaire may receive credit for the provision of recreational program scholarships to qualified participants and the sponsorship of programs and events on the premises for developmentally disabled or challenged athletes or other activities that primarily benefit the public. Revenue received under concession contracts shall be applied solely to parks and recreation purposes. (Ord. 14509 § 39, 2002: Ord. 11524 § 1 (part), 1994).

4.57.030 Maintenance and capital improvements. The concession contract should provide that the concessionaire shall be responsible for all ordinary and routine maintenance of any facility used during the term of the contract. Concession contracts authorized under this chapter that exceed a term of one year should include a maintenance and improvement schedule detailing the cost and schedule for maintaining any facility involved. In addition, the county and the concessionaire should agree to a cost and timing schedule of capital improvements, if any, that will be funded and implemented by the concessionaire during the term of the contract. The concessionaire shall make no alterations or improvements to or upon the premises beyond what has been established in an approved maintenance and capital improvement agreement without first obtaining written approval from King County. (Ord. 14509 § 40, 2002: Ord. 11524 § 1 (part), 1994).

4.57.040 Compliance with laws and regulations. In using the premises, the concessionaire shall comply with all applicable laws, ordinances and regulations, from any and all authorities having jurisdiction. The concessionaire shall agree to comply and pay for all costs associated with achieving such compliance. (Ord. 11524 § 1 (part), 1994).

4.57.050 Prices and fees. The fees charged by the concessionaire for recreation programs and for admission charges to recreational events shall at all times be subject to county approval and shall not exceed prices and fees generally current for similar activities in King County, with consideration given to the level of maintenance provided by the concessionaire to the site. (Ord. 11524 § 1 (part), 1994).

4.57.060 Public use of facility. The concession contract should provide access to the facility for public programs and events. King County or other public entity must provide reasonable advance notice to the concessionaire of their intent to use the facility for public-sponsored programs or events. These public programs and events should be scheduled enough in advance so as to not interfere with programs which have been established by the concessionaire and advertised to the public as part of the advance programming of on-going recreation programs or special events. (Ord. 11524 § 1 (part), 1994).

4.57.070 Insurance. The concessionaire shall maintain in full force and effect throughout the duration of the contract terms, commercial general liability insurance in the amount sufficient to cover bodily injury and property damage. Said policy shall name King County as an additional insured. (Ord. 11524 § 1 (part), 1994).

4.57.080 Indemnity and hold harmless. The concessionaire shall agree to indemnify and hold King County harmless to the maximum extent possible under law for all claims, demands suits and judgments which is caused by, arises out of, or is incidental to the concessionaire's exercise of rights and privileges granted by the concession contract, except to the extent of the county's sole negligence. (Ord. 11524 § 1 (part), 1994).

4.57.090 Limited provision. This chapter does not affect any other King County Code provision relating to the county's authority to negotiate leases or contracts, including concession contracts, nor impair King County's authority to enter into concession agreements at King County facilities. (Ord. 14509 § 41, 2002: Ord. 11524 § 1 (part), 1994).

Chapter 4.60
SUBDIVISION PARCEL PROPERTY TAXES

Sections:

4.60.010 Chapter purpose.
4.60.020 Compliance required with subdivision laws and ordinances.

4.60.010 Chapter purpose. The purpose of this chapter is to prevent landowners from segregating parcels for tax purposes without satisfying the requirements of state and local subdivision laws and ordinances. (Ord. 2908 § 1, 1976).

4.60.020 Compliance required with subdivision laws and ordinances. The county assessor shall refuse to act on or approve an application for a divided or segregated assessment of a parcel of real property, and the county treasurer shall refuse to recognize such a division or segregation of assessments unless the building and land development division or other local subdivision authority has certified or there is other satisfactory evidence that such requested division or segregation conforms with an approved final plat or short plat in accordance with the requirements of the applicable state and local subdivision laws and ordinances or is exempt under the provisions of K.C.C. 19.26.030; provided, that such restriction shall not apply to segregations initiated by the county assessor for administrative purposes which are unrelated to the possible illegal division of land. (Ord. 9352, 1990: Ord. 2908 § 2, 1976).

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Chapter 4.62
PROPERTY VALUATION

Sections:

4.62.010 Consideration of legal restrictions, physical and environmental constraints.
4.62.020 Provision of relevant material.
4.62.030 Exchange and transfer of information.

4.62.010 Consideration of legal restrictions, physical and environmental constraints. The King County assessor shall consider the legal restrictions such as zoning and the physical and environmental constraints of real property pursuant to RCW 84.40.030 in determining the true and fair value for the purposes of taxation. (Ord. 10326 § 1, 1992).

4.62.020 Provision of relevant material. The department of natural resources and parks shall provide in a timely manner any codes, plans, maps and other relevant material which will aid the assessor in determining the true and fair value of real property in King County and any possible reductions in assessed valuation derived from environmental constraints. (Ord. 14199 § 106, 2001: Ord. 10326 § 2, 1992).

4.62.030 Exchange and transfer of information. The department of natural resources and parks, and the King County assessor shall work together to devise a compatible and efficient format for the exchange and transfer of information. (Ord. 14199 § 107, 2001: Ord. 10326 § 3, 1992).

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Chapter 4.63
PROPERTY TAX NOTICE

Sections:

4.63.010 Intent.
4.63.020 Notice of taxes, fees and charges.
4.63.030 Notice - design and contents.
4.63.050 Notice - mailing - beginning date.

4.63.010 Intent.

A. RCW 84.56.050 requires the county treasurer to notify each taxpayer of the amount of the real and personal property, the current and delinquent amount of tax due on the real and personal property and to print on the notice the name of each tax and the levy included in the statement.

B. It is the intent of the council that all taxpayers, as listed on the tax roll, with a designated mortgage lender, be able to view online the information for real estate taxes, fees and charges owed on their property when the lender of a taxpayer has requested and been sent the tax information. (Ord. 16300 § 1, 2008: Ord. 15865 § 2, 2007).

4.63.020 Notice of taxes, fees and charges. The treasury operations section of the finance and business operations division shall provide the information online set forth in K.C.C. 4.63.010 by February 15 of each year. (Ord. 16300 § 2, 2008: Ord. 15865 § 3, 2007).

4.63.030 Notice - design and contents. The treasury operation section of the finance and business operations division shall determine the design and descriptive title for the online information concerning real estate taxes, which online information shall at a minimum include the following information:

A. The amount of the current tax year billing information, as set forth on the tax statement;

B. The current billing distribution of the current year taxes to local taxing districts as set forth on the tax statement. The current billing distribution includes:

1. State;
2. Local school support;
3. County;
4. City;
5. Unincorporated road;
6. Port;
7. Fire;
8. Hospital;
9. Library;
10. Ferry;
11. Flood control;
12. Other;
13. Emergency medical services; and
14. Other charges; and

C. Delinquency information including tax year, and delinquent principal taxes, fees and charge, interest and penalties. (Ord. 16300 § 3, 2008: Ord. 15865 § 4, 2007).

4.63.050 Notice - mailing - beginning date. The treasury operations section of the finance and business operations division shall make the 2009 online information available no later than February 15 and each year thereafter no later than February 15. (Ord. 16300 § 5, 2008: 15865 § 6, 2007).

Chapter 4.64
PROPERTY TAX REFUNDS

Sections:

4.64.010 Shortened refund application form availability and use.
4.64.020 Petitions filed with assessor.
4.64.030 Responsibilities on petitions.
4.64.040 Rights to short form.

4.64.010 Shortened refund application form availability and use.

A. The assessor shall make available to taxpayers who are entitled to a tax refund by a final order of the board of equalization, as provided by RCW 84.69.020 (9), or by a final order of the State Board of Tax Appeals, as provided by RCW 84.69.020 (10), a shortened refund application form consistent with the provisions of chapter 84.69 RCW. Such form shall include only such information necessary to establish the validity and finality of the action taken by the board of equalization or the Board of Tax Appeals. When such form, together with the decision of a board, has been filed with and verified by the assessor, the director of the department of finance shall make the appropriate refund determined by the board of equalization or the Board of Tax Appeals together with interest as prescribed by law without regard to the limitation contained in RCW 84.69.030 (2) and without council action; provided, that no refunds shall be made under this shortened procedure where the taxpayer fails to make application for refund hereunder within three months of the date of receiving the final decision of a Board; or where the assessor has given timely notice of appeal from the decision of a Board; provided further, that no provision of this section shall affect any other procedures or forms relating to chapter 84.69 RCW refunds.

B. The board of equalization and the State Board of Tax Appeals shall, by the first Monday in January of each year, provide a written list to the chairperson of the council of all appeals pending longer than three years. (Ord. 12076 § 53, 1995).

4.64.020 Petitions filed with assessor. Petitions for refund of taxes under chapter 84.69 RCW shall be filed with the assessor on forms provided by the assessor. No refund shall be granted by the council without a petition first being filed in accord with this chapter. The assessor shall review all petitions for refund that involve issues within the assessor's statutory responsibilities and determine whether the provisions of RCW 84.69.020 or RCW 84.60.050 are satisfied. The assessor shall forward all petitions to the department of finance with an indication of whether the assessor determined that the provisions of RCW 84.69.020 or RCW 84.60.050 were satisfied, were not satisfied, or if no such determination was made because the issues involved were not within the assessor's statutory responsibilities. (Ord. 12240 § 1, 1996: Ord. 12076 § 54, 1995).

4.64.030 Responsibilities on petitions. If the manager of the finance and business operations division receives a petition from the assessor with an indication by the assessor that the provisions of RCW 84.69.020 or 84.60.050 have been satisfied and if the manager determines that the petition was filed within the time limits set forth in RCW 84.69.030, the manager shall grant the petition and issue a tax refund to the petitioner. If the manager receives a petition involving issues outside of the assessor's statutory responsibilities, that therefore has not been reviewed to determine whether the provisions of RCW 84.69.020 were satisfied, the manager shall make such a review. After review, if the manager finds that the provisions of RCW 84.69.020 are satisfied and that the petition was timely filed, the manager shall grant the petition and issue a tax refund to the petitioner. If either the assessors' office or the finance and business operations division finds that the provisions of RCW 84.69.020 have been met, but the petition has not been filed within the time period set forth in RCW 84.69.030, the finance and business operations division shall forward the petition, accompanied by a motion for the council's action, to the clerk of the council. For those petitions involving issues within the assessor's statutory responsibilities, the assessor shall forward to the council a recommendation as to whether the council should exercise its discretion to waive the statutory time limits and grant the petition for refund on the council's own motion. For those petitions involving issues outside of the assessor's statutory responsibilities, the finance and business operations division shall forward to the council a recommendation as to whether the council should exercise its discretion to waive the statutory time limits and grant the petition for refund on the council's own motion. (Ord. 14199 § 108, 2001: Ord. 12240 § 2, 1996: Ord. 12076 § 55, 1995).

4.64.040 Rights to short form. Nothing in sections 4.64.020 and 4.64.030 shall be construed to modify the rights of a taxpayer conferred by K.C.C. 4.64.010 to obtain a tax refund by use of the shortened refund application form procedures. (Ord. 9159 § 3, 1989).

Chapter 4.68
NONDELINQUENT PROPERTY TAX CERTIFICATION

Sections:

4.68.010 Certification of nondelinquent property tax account required for building and land development permits.
4.68.020 Application of chapter.

4.68.010 Certification of nondelinquent property tax account required for building and land development permits. The applicant for any of the permits listed below shall be required to provide certification from the manager of the finance and business operations division that property taxes for the subject property are not delinquent prior to county issuance of said permit. The certification shall be obtained by the applicant from the manager of the finance and business operations division. (Ord. 14199 § 109, 2001: Ord. 12076 § 56, 1995).

4.68.020 Application of chapter. This chapter shall apply to the following county permits:

A. Building permits authorized by Title 16;
B. Reclassification permits authorized by Title 21A;
C. Subdivisions permits authorized by Title 19;
D. Short subdivisions permits authorized by Title 19;
E. Shoreline development permits authorized by Title 25;
F. Grading permits authorized by Title 16;
G. Condominium conversion permits authorized by Title 20;
H. Demolition permits authorized by Title 16;
I. Right-of-way use permits authorized by Title 6;
J. Septic tank permits authorized by Title 13. (Ord. 11792 § 2, 1995: Ord. 5284 § 2, 1981).

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Chapter 4.69
RADIUS BATCH SEARCH FEES

Sections:

4.69.010 Authorization to assess fee.
4.69.020 Fee.
4.69.030 Procedures for collection -- rules.

4.69.010 Authorization to assess fee. The King County department of assessments may assess a fee for conducting radius batch searches in accordance with K.C.C. Title 21A, to cover administrative and duplicating costs. (Ord. 14518 § 3, 2002).

4.69.020 Fee. The radius batch search fee shall be fourteen dollars and seventy-five cents per search. (Ord. 14518 § 4, 2002).

4.69.030 Procedure for collection -- rules. The department of assessments shall establish by rule a procedure for collection of the fee. (Ord. 14518 § 5, 2002).

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Chapter 4.70
FEES FOR DUPLICATION OR PRODUCTION OF RECORDINGS OF SUPERIOR COURT PROCEEDINGS

Sections:

4.70.010 Authorization to assess fees.
4.70.020 Fees.
4.70.030 Procedure for collection.

4.70.010 Authorization to assess fees. The department of judicial administration is hereby authorized to assess fees for duplication or production of recordings in the courtroom using video, audio analog or digital recording devices to record King County superior court proceedings. (Ord. 14905 § 2, 2004: Ord. 9348 § 1, 1990).

4.70.020 Fees. The duplication fee for copying video, analog audio or digital recordings produced in King County superior court, after the original recording has been completed, shall be twenty-five dollars per video tape or ten dollars per audio analog or digital recording, to cover administrative and duplicating costs. A fee of fifteen dollars per video tape shall be charged for tapes created using additional video cassette recorders in the courtroom during the court proceedings. (Ord. 14905 § 4, 2004: Ord. 13993 § 2, 2000: Ord. 9348 § 2, 1990).

4.70.030 Procedure for collection. The department of judicial administration shall establish a procedure for the collection of these fees. (Ord. 9348 § 3, 1990).

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Chapter 4.71
FEES IN SUPERIOR COURT

Sections:

4.71.010 Authorization.
4.71.020 Fee.
4.71.030 Procedure for collection.
4.71.040 Filing fee – criminal case defendant for failed appeal.
4.71.050 Fee – failure to bring case to completion.
4.71.060 Fee – transmittal of legal case documents for appeal.
4.71.070 Fee – issuance of civil warrants, subpoenas and citations, documents needing a clerk's seal.
4.71.080 Fee – issuance of documents requiring seal of clerk of superior court.
4.71.090 Fee – attorneys in continuing legal education program.
4.71.100 Fee for documents filed with clerk's office that require extra handling.
4.71.110 Filing fee – jury demand.
4.71.115 Filing fee – mandatory arbitration request.
4.71.120 Filing fee – trial de novo of arbitration award.
4.71.130 Fee – truancy classes.
4.71.140 Fees – community supervision of youth – waivers.
4.71.150 Fees – service of bulk user capacity.
4.71.160 Fee – collection of criminal case legal financial obligations.
4.71.200 Fee for administering domestic violence prevention account revenues.

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4.71.010 Authorization. The department of judicial administration is hereby authorized to assess a fee for providing forms used in King County Superior Court. (Ord. 9349 § 1, 1990).

4.71.020 Fee. The charge shall be $.50 per page to cover all costs associated with forms' creation and distribution. (Ord. 9349 § 2, 1990).

4.71.030 Procedure for collection. The department of judicial administration shall establish a procedure for the collection of this fee. (Ord. 9349 § 3, 1990).

4.71.040 Filing fee – criminal case defendant for failed appeal. The department of judicial administration is hereby authorized to assess and collect a filing fee from the defendant in a criminal case when, in a criminal appeal from a court of limited jurisdiction, the limited jurisdiction court ruling is affirmed or the case is dismissed by the superior court. The fee assessed shall be one hundred ten dollars or other amount as may be set in the future by the state legislature for superior court legal case filing fees, as authorized by RCW 36.18.020(2)(h). (Ord. 13330 § 14, 1998).

4.71.050 Fee – failure to bring case to completion. The department of judicial administration is hereby authorized to assess a fee to either parties to an action filed with the superior court or attorneys representing the parties, or both, who fail to bring cases to completion because of failure to appear for trial, failure to file final order on settlement, failure to follow case schedule, failure to file final judgment or appeal following a arbitration award; lack of action of record or failure to comply with court-ordered deadlines for reports. The fee assessed shall be fifty dollars to cover costs associated with identifying these cases and notifying either the parties or the attorneys, or both. (Ord. 16966 § 3, 2010: Ord. 14905 § 6, 2004: Ord. 13662 § 4, 1999: Ord. 13330 § 16, 1998).

4.71.060 Fee – transmittal of legal case documents for appeal. The department of judicial administration is hereby authorized to assess a fee to parties requesting transmittal of legal case documents to the Washington state court of appeals or Washington state supreme court as part of an appeal from the decision in a King County superior court case. The fee assessed for transmittal of the documents shall be the actual cost to the department for the transmittal of the documents. (Ord. 14905 § 8, 2004: Ord. 13330 § 18, 1998).

4.71.070 Fee – issuance of civil warrants, subpoenas and citations, documents need a clerk's seal. The department of judicial administration is hereby authorized to assess a fee for issuance of civil warrants, subpoenas and citations, and for each document needing a clerk's seal. The fee assessed for issuance of civil warrants, subpoenas and citations shall be twenty dollars. (Ord. 13330 § 20, 1998).

4.71.080 Fee – issuance of documents requiring seal of clerk of superior court. The department of judicial administration is hereby authorized to assess a fee for issuance of documents requiring the seal of the clerk of the superior court. The fee assessed for all documents requiring the clerk's seal shall be two dollars. (Ord. 13330 § 22, 1998).

4.71.090 Fee – attorneys in continuing legal education program. The department of judicial administration is hereby authorized to assess a fee to participants in the department's continuing legal education program. The fee assessed for participation in the program shall be two hundred dollars to cover all costs of materials and presentation. (Ord. 16967 § 3, 2010: Ord. 13330 § 24, 1998).

4.71.100 Fee for documents filed with clerk's office that require extra handling.

A. The department of judicial administration is hereby authorized to assess a fee to anyone who files a document that requires special handling because of errors, failure to follow court rules or statutes or lack of completeness. The department shall make the decision to return the document to the filer on a case-by-case basis.

B. The fee assessed for a document that requires extra handling because of errors, failure to follow court rules or statutes or lack of completeness shall be fifteen dollars for each incorrect or incomplete document to cover all costs of the extra handling required.

C. The department of judicial administration shall establish a procedure for the collection of the fee. (Ord. 16291 § 3, 2008: Ord. 14905 § 10, 2004: Ord. 13991 § 2, 2000: Ord. 13330 § 26, 1998: Ord. 8752 §§ 1-3, 1988: Formerly K.C.C. 2.12.150).

4.71.110 Filing fee – jury demand. The department of judicial administration is hereby authorized to assess and collect a fee for filing a jury demand in a civil action. If the demand is for a jury of six, the fee shall be one hundred twenty-five dollars. If the demand is for a jury of twelve, the fee shall be two hundred fifty dollars. (Ord. 13562 § 2, 1999).

4.71.115 Filing fee – mandatory arbitration request. The department of judicial administration is hereby authorized to assess and collect a fee for filing a request for mandatory arbitration, as authorized in RCW 36.18.016. The fee will be two hundred twenty dollars. (Ord. 14447 § 2, 2002: Ord. 13842 § 2, 2000).

4.71.120 Filing fee – trial de novo of arbitration award. The department of judicial administration is hereby authorized to assess and collect a fee for filing a request for a trial de novo of an arbitration award, as authorized under RCW 36.18.016. The fee shall be two hundred fifty dollars. (Ord. 13563 § 2, 1999).

4.71.130 Fee – truancy classes. The department of judicial administration is hereby authorized to assess and collect a fee for truancy classes offered as an alternative to appearance in court. The truancy class fee shall be twenty-five dollars per class, except that the fee shall be ten dollars for those students receiving reduced lunch services through a school district and the fee shall be waived for those students receiving free lunch services through a school district. (Ord. 13642 § 1, 1999).

4.71.140 Fee – community supervision of youth – waivers. The department of judicial administration is hereby authorized to assess, waive or, reduce fees for community supervision of youth under superior court jurisdiction as follows:

A. Community supervision fees shall be:

1. Low-risk youth community supervision fees. Low-risk youth placed on community supervision for up to three months shall be charged a monthly rate of twenty-five dollars, with a case rate not to exceed seventy-five dollars for each community supervision period; and

2. Medium and high-risk youth community supervision fees. Medium and high-risk youth placed on community supervision for six months or longer shall be charged a monthly rate of fifty dollars, with a case rate not to exceed three hundred dollars for each community supervision period.

B. Fee waivers. The department director or the director's designee may waive or reduce any fees designated under this section. (Ord. 13662 § 6, 1999).

4.71.150 Fee – service of bulk user capacity. The department of judicial administration is hereby authorized to assess a fee for the service of bulk user access to superior court records managed by the department of judicial administration. The fee assessed shall be two hundred fifty dollars per year, to cover the costs associated with providing this service. A fee of twenty-five dollars per month shall be charged to users who do not require bulk access for an entire year. The department of judicial administration shall establish a procedure for the collection of these fees. (Ord. 13990 § 2, 2000).

4.71.160 Fee – collection of criminal case legal financial obligations. The department of judicial administration is hereby authorized to assess a fee for the collection of legal financial obligations. The fee assessed shall be one hundred dollars per year, per court case to cover the costs associated with providing this service. The department of judicial administration shall establish a procedure for the collection of these fees. (Ord. 13995 § 2, 2000).

4.71.200 Fee for administering domestic violence prevention account revenues. The department of judicial administration is hereby authorized to retain five percent of the county's portion of the domestic violence prevention account fee authorized under RCW 36.18.016. (Ord. 15272 § 2, 2005).

Chapter 4.72
FAMILY COURT SERVICES AND RELATED FEES

(Formerly SERVICE FEE FOR ADOPTION STUDIES AND MARRIAGE RECONCILIATION)

Sections:

4.72.010 Purpose.
4.72.020 Fees - family court services dissolution matters.
4.72.021 Fees - family court services adoption matters.
4.72.022 Fee for adoption checklist and file review.
4.72.025 Fee for adoption case record search.
4.72.026 Fee for nonidentifying adoption searches by the superior court.
4.72.027 Fee - visit with superior court paralegal for adoption related services.
4.72.028 Fee for registering confidential intermediaries with the superior court.
4.72.032 Fee - facilitator services to review domestic cases documentation.
4.72.034 Fee - facilitator services to review domestic cases documentation - per visit.
4.72.042 Fees - parenting seminars, superior court.
4.72.045 Fee - family law orientation.
4.72.100 Current expense fund.

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4.72.010 Purpose. The purpose of this chapter is to authorize the superior court through the department of judicial administration to assess service fees for reimbursement for the actual costs incurred by the county for adoption services including flat search fee, consultation, confirmation of consents, post-placement study, step-parent adoption, new baby study, temporary study, in-home study, complete adoption; and for dissolution services including: mediation orientation, mediation, one party and two party evaluations, witness fees for testimony provided by family court services staff, paternity services including one party and two party evaluations; for marriage waivers; and for marriage reconciliation services not pertaining to a pending dissolution. Such service fees shall be the responsibility of the party or parties requesting the service. (Ord. 10643 § 1, 1992: Ord. 6241 § 1, 1982).

4.72.020 Fees - family court services. Fees for family court services dissolution matters are established as follows:

A. The department of judicial administration shall prepare and adopt a fee schedule charging no more than two hundred dollars, per hour, for:

1. Dissolution services including:
   a. mediation and evaluation orientation;
   b. mediation services;
   c. conciliation services;
   d. dissolution one and two party evaluations;
   e. witness fees for court testimony provided by family court services staff;
   f. paternity services including evaluations; and
   g. marriage waivers.

B. The department of judicial administration is authorized to implement procedures, for cause, to waive all or part of the fees based on an applicant's showing of bona fide hardship. Collection of the service fee shall be the responsibility of the superior court and the department of judicial administration. Should it prove necessary, the prosecuting attorney shall assist the department of judicial administration, the superior court and the clerk of the superior court in collection of the fees. (Ord. 16982 § 2, 1010: Ord. 16304 § 1, 2008: Ord. 14798 § 2, 2003: Ord. 13330 § 2, 1998: Ord. 10643 § 2, 1992: Ord. 6241 § 2, 1982).

4.72.021 Fees - family court services adoption matters.

Fees for family court services adoption matters are established as follows:

A. The department of judicial administration shall prepare and adopt a fee schedule charging no more than one hundred fifty dollars, per hour, for:

1. Adoption services, including:
   a. confirmation of birth parent consent reports in all independent nonagency adoptions;
   b. stepparent adoption reports; and
   c. other services as ordered by the court; and

B. The department of judicial administration is authorized to implement procedures, for cause, to waive all or part of the fees based on an applicant's showing of bona fide hardship. Collection of the service fee shall be the responsibility of the superior court and the department of judicial administration. Should it prove necessary, the prosecuting attorney shall assist the department of judicial administration, the superior court and the clerk of the superior court in collection of the fees. (Ord. 16982 § 4, 2011).

4.72.022 Fee for adoption checklist and file review. The superior court is hereby authorized [to] assess a fee of fifteen dollars for the completion of an adoption checklist and file review, to be completed prior to final hearing. (Ord. 14791 § 1, 2003).

4.72.025 Fee for adoption case record search. The superior court and the clerk of the superior court shall assess a flat search fee for each adoption case record search at the rate established by RCW 36.18.020. The superior court and the clerk of the superior court shall establish a procedure for the collection of this fee. (Ord. 13330 § 4, 1998: Ord. 10643 § 3, 1992).

4.72.026 Fee for nonidentifying adoption searches by the superior court. The superior court is hereby authorized to charge a flat fee of sixty dollars for each nonidentifying adoption search performed. (Ord. 16969 § 2, 2010: Ord. 14791 § 2, 2003).

4.72.027 Fee - visit with superior court paralegal for adoption related services. The superior court is hereby authorized to charge a user fee of up to twenty dollars per visit with the superior court adoption paralegal, for adoption related services as authorized under RCW 26.12.220. Retained revenues shall be used to support costs associated with operating family court operations. (Ord. 16970 § 2, 2010).

4.72.028 Fee for registering confidential intermediaries with the superior court. The superior court is hereby authorized to charge an annual fee of one hundred dollars to each confidential intermediary who works with family court services. (Ord. 14791 § 3, 2003).

4.72.032 Fee - facilitator services to review domestic cases documentation.

A. A fee of thirty dollars is imposed for services rendered to review documentation related to domestic cases before finalization, in accordance with RCW 26.12.240.

B. The department of judicial administration is authorized to implement procedures, in accordance with K.C.C. chapter 2.98, to waive all or part of the fees based on an applicant's showing of bona fide hardship. Collection of the fee shall be the responsibility of the superior court and the department of judicial administration. Should it prove necessary, the prosecuting attorney shall assist the department of judicial administration, superior court and the clerk of the superior court in collection of the fees. (Ord. 16980 § 2, 2010: Ord. 16305 § 1, 2008).

4.72.034 Fee - facilitator services to review domestic cases documentation - per visit. The superior court is hereby authorized to charge a user fee of up to thirty dollars per visit for facilitator services, as authorized under RCW 26.12.240.

A. A user fee of thirty dollars is imposed per visit for facilitator services rendered to review documentation related to domestic cases before finalization, in accordance with RCW 26.12.240.

B. The department of judicial administration is authorized to implement procedures, in accordance with K.C.C. chapter 2.98, to waive all or part of the fees based on an applicant's showing of bona fide hardship. Collection of the user fee shall be the responsibility of the superior court and the department of judicial administration. Should it prove necessary, the prosecuting attorney shall assist the department of judicial administration, superior court and the clerk of the superior court in collection of the fees. (Ord. 16979 § 2, 2010: Ord. 16306 § 2, 2008).

4.72.042 Fees - parenting seminars, superior court. The superior court is hereby authorized to charge a parenting seminar registration fee of forty dollars per participant for those who attend the parenting seminar within sixty days of filing the action that results in the requirement to attend the seminar; participants who attend the seminar after sixty days of the filing shall be charged a registration fee of seventy-five dollars. Retained revenues shall be used to support operating costs associated with family court operations. (Ord. 16972 § 2, 2010).

4.72.045 Fee - family law orientation.

A. The superior court is hereby authorized to charge a fee of up to twenty dollars per person to attend a family law orientation provided by King County superior court family court operations.

B. The department of judicial administration is authorized to implement and adopt procedures to waive all or part of the fees based on the applicant's showing that the applicant is indigent. Collection of the fee shall be the responsibility of superior court and the department of judicial administration. Should it prove necessary, the prosecuting attorney shall assist the department of judicial administration and the superior court in the collection of the fees. (Ord. 16983 § 2, 2010).

4.72.100 Current expense fund. The superior court and the clerk of the superior court shall cause any such fee so collected to be placed into the current expense fund of King County no less than twelve times per year based on the requirement of State law and application of generally accepted principles of accounting. (Ord. 10643 § 4, 1992: Ord. 6241 § 3, 1982).

Chapter 4.73
FEE FOR NONCERTIFIED COPIES OF LEGAL CASE FILES

Section:

4.73.010 Fees.

4.73.010 Fees. The department of judicial administration is hereby authorized to assess a fee for providing noncertified copies of legal case files. The charge shall be fifty cents per page to cover all costs associated with legal case file copying. Documents printed at one of the department's facilities from the department's electronic court record system and microfilm shall be twenty-five cents per page. Self-service copies from hard copy, also known as paper, files or copied remotely using the department's online electronic court record system from a site outside the department's facilities shall be fifteen cents per page. The department of judicial administration shall establish a procedure for the collection of the fees in this section. (Ord. 16289 § 2, 2008: Ord. 14905 § 12, 2004: Ord. 10644 § 1, 1992: Ord. 9774 § 1, 1991).

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Chapter 4.74
FEE FOR FILING IN SUPERIOR COURT BY FACSIMILE MACHINE

Section:

4.74.010 Fee.

4.74.010 Fee. The department of judicial administration is hereby authorized to assess a fee for the filing of a document by facsimile machine. The charge shall be $1.00 per page to cover the added cost of this service. The department of judicial administration shall establish a procedure for the collection of this fee. (Ord. 10008 § 1, 1991).

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Chapter 4.76
SERVICE FEE FOR DISBURSEMENT OF TRUST PAYMENTS

Sections:

4.76.010 Fees.
4.76.020 Disbursement.
4.76.030 Collection of Fees.
4.76.040 Current expense fund.

4.76.010 Fees.

A. The department of judicial administration is hereby authorized to assess service fees for reimbursement for the actual costs incurred by the county to process trust payments through the superior court registry.

B. The following fees may be assessed:

1. Two dollars per payment if a child support payment greater than twenty-five dollars and less than or equal to one hundred and fifty dollars is made and;

2. Ten dollars per payment for all child support payments exceeding one hundred and fifty dollars and for all other types of payments which exceed twenty-five dollars;

C. The department of judicial administration, having fully complied with K.C.C. chapter 2.98, is authorized to implement procedures, for cause, to waive all or part of the fees based on an applicant's showing of bona fide hardship. The service fees shall be the responsibility of the party making a payment of funds to be held in trust by the department of judicial administration. In the event that the party responsible to pay the service fee fails to do so, or is delinquent in paying fees, the department shall not delay the disbursement of trust payments or in any monetary way penalize the recipients of the trust payments because of the failure or delinquency. (Ord. 13330 § 10, 1998: Ord. 6242 § 1, 1982).

4.76.020 Disbursement. This chapter shall apply to all payments received for processing through the superior court registry, except for any payment whose processing costs are otherwise reimbursed to the county from other sources. (Ord. 13994 § 2, 2000: Ord. 6242 § 2, 1982).

4.76.030 Collection of fees. The clerk of the superior court is authorized to devise and adopt appropriate rules and regulations consistent with this chapter and K.C.C. chapter 2.98 for the collection of fees assessed under this chapter. Should it prove necessary, the prosecuting attorney shall assist the clerk in the collection of any fee. (Ord. 13330 § 11, 1998: Ord. 6242 § 3, 1982).

4.76.040 Current expense fund. The clerk of the superior court shall cause any such fee so collected to be placed into the current expense fund of King County no less than 12 times per year, based on the requirements of State law and the application of generally accepted principles of accounting. (Ord. 6242 § 4, 1982).

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Chapter 4.78
COMPUTER ACCESS SERVICE FEE IN JUDICIAL ADMINISTRATION

Sections:

4.78.010 Purpose.
4.78.020 Charges.
4.78.030 Ownership.
4.78.040 Collection of fees.

4.78.010 Purpose. The purpose of this chapter is to authorize the King County department of judicial administration to assess an access fee for organizations requiring a dedicated computer terminal in the King County Courthouse for cause number and case filing research. (Ord. 8364 § 1, 1987).

4.78.020 Charges. Dedicated computer terminal charges shall be $300.00 per month per computer terminal, to cover all costs, including obtaining the terminals from the State of Washington, maintenance charges, utility expenses, and ongoing training of users by the department of judicial administration staff. (Ord. 8364 § 2, 1987).

4.78.030 Ownership. King County shall retain ownership of the computer terminals. (Ord. 8364 § 3, 1987).

4.78.040 Collection of fees. Department of judicial administration shall establish a procedure for the collection of these fees. (Ord. 8364 § 4, 1987).

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Chapter 4.79
SUPERIOR COURT FEES FOR DOMESTIC RELATIONS AND VIOLENCE PREVENTION CASES

Sections:

4.79.010 Domestic relations and courthouse facilitator program surcharge and fees.
4.79.020 Domestic violence prevention cases fees.

4.79.010 Domestic relations and courthouse facilitator program surcharge and fees. The King County council hereby establishes a surcharge of twenty dollars to superior court filing fees for domestic relations cases filed under Title 26 RCW and user fees including a charge of fifty cents per page for forms to be used for funding the courthouse facilitator program which provides basic services to pro se litigants in family law cases. This surcharge shall be collected by the superior court and the clerk of the superior court, which shall establish a procedure for collection and segregation of this surcharge in accordance with chapter 26.12 RCW. (Ord. 15272 § 3, 2005: Ord. 13330 § 8, 1998: Ord. 11136 § 1, 1993).

4.79.020 Domestic violence prevention cases fees.

A. The following district court administrative fee for district court costs is established to cover administrative district court costs in domestic violence cases:

District court administrative court cost fee $63.00

B. This fee may be imposed by the district court against the respondent in domestic violence cases as authorized by state law. (Ord. 16288 § 3, 2008).

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Chapter 4.80
SERVICE FEES FOR USE OF COMPUTER FACILITIES AND EQUIPMENT

Sections:

4.80.010 Definitions.
4.80.020 Fee Schedules.

4.80.010 Definitions. For the purpose of this chapter:

A. "CASH-ON-DELIVERY (COD) CUSTOMER" means any person, business or other group that has no charge account established and is required to pay in advance of receiving services.

B. "KING COUNTY CUSTOMER" means any county office, executive department, board, commission or other organizational unit of the county whose available charge account is paid by way of interfund transfer.

C. "NON-COUNTY CUSTOMER" means any municipal office, executive department, board or commission, business or other group that has a charge account established and is billed on a monthly basis.

D. "EFFECTIVE HOUR OR EFFECTIVE SECOND" means the time a machine is performing work for a specific job. The cost for this charge element is computed as follows: rate x time x kilo-bytes or units, as appropriate.

E. "EXECUTE CHANNEL PROGRAM (EXCP)" means a program performed by a computer in which data is read from or written to a storage device. The number of times an EXCP is performed shall be accumulated and used as a unit of measure in the determination of certain fees. (Ord. 6666 § 1, 1984).

4.80.020 Fee Schedules. Effective January 1, 1998:

A. OUTPUT PRODUCTS	
1. Property Batch System Inquiries	
a. Customer Inquiries only	$.60 per parcel
b. Name and Address Labels only	.65 per parcel
c. Legal Description Labels only	.65 per parcel
d. Customer Inquiries plus Name and Address Labels	.95 per parcel
e. Customer Inquiries plus Legal Description Labels	.95 per parcel
f. Customer Inquiries plus Name and Address and Legal Description Labels	1.30 per parcel
g. Name and Address Labels plus Legal Description Labels	1.00 per parcel
h. Batch Tax Statements	.70 per parcel
i. Additional Copies of Inquiries, Labels or Statements (regardless of number of copies printed)	.30 per parcel
j. Minimum Charge	25.00 per order
2. Property On-Line System Inquiries	
a. Access Fee for Customer-Owned Terminals	425.00 per month per location
b. Online Property Inquiries	.60 per transaction
3. Property Extracts and Microfiche File	
a. Real Property Master File Extract	$350.00
b. Real Property Tax Roll on Microfiche	245.00
c. LID Assessment Roll and Master File on Microfiche	245.00
d. LID Assessment Roll and Master File on 8-1/2 x 14-inch paper	245.00

e. LID Assessment Roll Plat to District Cross Reference Report	69.00
f. Residential Characteristic Land File Copy	162.00
g. Residential Characteristic Building File Copy	162.00
h. Residential Characteristic Accessory File Extract	162.00
i. Sales File Copy	220.00
j. Commercial/Industrial Characteristics Land File Extract	162.00
k. Commercial/Industrial Characteristic Building File Extract	162.00
l. Commercial/Industrial Characteristic Condo File Extract	162.00
m. Plat Index File Copy	162.00
n. Current Plat Index (Paper or Fiche)	43.00
o. Property File Copy	162.00
p. Sales History, Purged (Microfiche)	43.00
q. Condominium Report (Microfiche)	43.00
r. Comparable Sales (Microfiche)	100.00
s. Real Property Full Legal Description Extract	200.00
t. Personal Property File Extract	125.00
u. Personal Property Beginning Year Tax Roll (Microfiche)	110.00
4. Voter Registration	
a. Printouts	275.00 base file processing **charge plus:**
(1) One-Part Paper - All Registered Voters within Precinct	.12 per precinct
(2) Two-Part Paper - All Registered Voters within Precinct	.25 per precinct
(3) Four-Part Paper - All Registered Voters within Precinct	.35 per precinct
or:	
(4) One-Part Paper - New Registrations and Transfers only	.0004 per voter selected
(5) Two-Part Paper - New Registrations and Transfers only	.0008 per voter selected
(6) Four-Part Paper - New Registrations and Transfers only	.0010 per voter selected
b. Name and Address Labels	275.00 base file processing **charge plus:**
(1) All Registered Voters within Precincts	1.50 per precinct
or:	
(2) New Registrations and Transfers only	.005 per voter selected
c. Standard Magnetic Tape (1600 bits per inch minimum)	275.00 base file processing **charge plus:**
(1) All Registered Voters within Precincts	.10 per precinct
(2) New Registrations and Transfers only	.0005 per voter selected

d. Certify Tape	11.00 per reel
e. King County Information and Telecommunications Services Supplied Magnetic Tape	30.00 certified check per reel loaned
5. Absentee Abstracts	
a. Printouts	25.00 base file processing **charge plus:**
(1) One-Part Paper	.025 per printed page
(2) Two-Part Paper	.05 per printed page
(3) Four-Part Paper	.065 per printed page
6. Recording Index Tape	
a. General Index of Daily Recordings Year to date	25.00 per copy
b. Tract Index of Surveys Year to date	25.00 per copy
c. Sales Activity	25.00 per copy
7. Adult Detention	
a. Booking Recap Report	30.00 per month
b. Release Recap Report	15.00 per month
c. Bail Bond Inquiry	.35 per transaction
8. Published Geographic Information Systems (GIS) Data	58.93 per compact disk

B. Special circumstances and requests for output products other than those specified in subsection A. shall be assigned a fixed rate based on the prevailing labor and resource costs.

C. Based on their unique requirements, cash-on-delivery and non-King County agencies may be assessed a fee of up to 10 percent to cover undistributed overhead. (Ord. 12918 § 1, 1997: Ord. 11131 § 1, 1993: Ord. 10651 § 1, 1992: Ord. 10173 § 1, 1991: Ord. 9874 § 1, 1991: Ord. 9222 § 1, 1989: Ord. 8751 § 1, 1988: Ord. 8326 § 1, 1987: Ord. 7946, 1987: Ord. 7421 § 1, 1985: Ord. 7011 § 1, 1984: Ord. 6666 § 2, 1984).

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Chapter 4.81
LAW LIBRARY SUPPORT

Sections:

4.81.010 Law library - allocation of superior court fees.
4.81.020 Annual report and review of library financial status.
4.81.030 Annual proposed Kent regional justice center law library budget.
4.81.040 Annual report on law library trust condition.

4.81.010 Law library - allocation of superior court fees. The director of the department of judicial administration is directed to allocate twenty dollars from the portion of the filing fee paid for civil filings in superior court to the credit of the King County law library as provided by RCW 27.24.070. (Ord. 15317 § 3, 2005; Ord. 12383 § 2, 1996).

4.81.020 Annual report and review of library financial status. On or before July 1 of each year, a report and review of law library financial status including the development of a proposed budget for the Kent regional justice center branch law library shall be prepared by the King County law library and transmitted to the superior court and the department of judicial administration for inclusion in the department of judicial administration budget submitted to the executive. The report shall include a recommendation on whether to include in the annual county budget any projected library budgetary shortfall resulting from operating costs associated with the Kent regional justice center branch law library facility. The report also shall address potential funding sources, including, but not limited to, a portion of criminal code filing fees or from the county general fund. (Ord. 15317 § 4, 2005; Ord. 12383 § 3, 1996).

4.81.030 Annual proposed Kent regional justice center law library budget. To assist the council in reviewing the future needs of the law library, the law library board of trustees shall continue to submit to the executive and the council a proposed Kent regional justice center law library budget with a request for supplemental funding on or before the first Monday in September each year. (Ord. 15317 § 5, 2005).

4.81.040 Annual report on law library trust condition. Pursuant to RCW 27.24.040, the law library board of trustees shall, on or before the first Monday in September each year, submit an annual report to the county council giving the condition of their trust with a financial report showing all receipts and disbursements of money. (Ord. 15317 § 6, 2005).

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Chapter 4.82
SURCHARGE ON DISTRICT COURT CIVIL FILING FEES

Sections:

4.82.010 Surcharge established -- collection.
4.82.020 Surcharge - small claims court.

4.82.010 Surcharge established -- collection. The King County council hereby establishes a surcharge of ten dollars to district court civil filing fees to be used for funding dispute resolution services. This surcharge shall be collected by the King County district court which shall establish a procedure for collection and segregation of this surcharge in accordance with chapter 7.75 RCW. (Ord. 13662 § 2, 1999: Ord. 12214 § 1, 1996: Ord. 11158 § 1, 1993: Ord. 10670 § 1, 1992: Ord. 9916 § 1, 1991).

4.82.020 Surcharge - small claims court. The King County council hereby establishes a surcharge of $11.00 to small claims court filing fees to be used for funding dispute resolution services. This surcharge shall be collected by the King County district court which shall establish a procedure for collection and segregation of this surcharge in accordance with RCW 7.75. (Ord. 12214 § 2, 1996).

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Chapter 4.83
DEPARTMENT OF JUDICIAL ADMINISTRATION FEES

Sections:

4.83.010 Fee - provision of voucher system for payment of services.
4.83.020 Fee - returning paper documents after documents electronically scanned.
4.83.030 Fee - destruction of exhibits.
4.83.040 Fee - conversion of file exhibits.
4.83.060 Fee - expedited clerk services.
4.83.070 Fee - customer requests via the mail.
4.83.080 Fee - preparing and providing documents to the court.
4.83.090 Fee - preparing and providing report of new cases or new judgments filed in superior court.

4.83.010 Fee - provision of voucher system for payment of services.

A. The department of judicial administration is hereby authorized to assess a fee for the service of providing a voucher system for payment of services provided by the department.

B. The fee assessed shall be ten percent of the yearly charges to the voucher account, to cover some of the expenses involved in processing the vouchers and sending invoices.

C. The department of judicial administration shall establish a procedure for the collection of these facts. (Ord. 13662 § 9, 1999).

4.83.020 Fee - returning paper documents after documents electronically scanned.

A. The department of judicial administration is hereby authorized to assess a fee for the service of returning paper documents to the filing party after the document has been electronically scanned.

B. The fee assessed shall be ten dollars per document, to cover the costs associated with providing this service.

C. The department of judicial administration shall establish a procedure for the collection of these fees. (Ord. 13662 § 11, 1999).

4.83.030 Fee - destruction of exhibits.

A. The department of judicial administration is hereby authorized to assess a fee for the disposal of court exhibits not withdrawn by the parties forty-five to ninety days following case completion. This fee is assessed pursuant to RCW 36.18.016(10).

B. The fee assessed shall be twenty dollars.

C. The department of judicial administration shall establish a procedure for the collection of the fee. (Ord. 14905 § 15, 2004).

4.83.040 Fee - conversion of file exhibits.

A. The department of judicial administration is hereby authorized to assess a fee for the conversion of items that are inappropriate for filing in the court file to file exhibits. This fee is assessed pursuant to RCW 36.18.016(10).

B. The fee assessed shall be twenty dollars.

C. The department of judicial administration shall establish a procedure for the collection of the fee. (Ord. 14905 § 17, 2004).

4.83.060 Fee - expedited clerk services.

A. The department of judicial administration is hereby authorized to assess a fee for providing clerk services on an expedited basis.

B. The fee assessed shall be thirty dollars.

C. The department of judicial administration shall establish a procedure for the collection of the fee. (Ord. 16290 § 3, 2008).

4.83.070 Fee - customer requests via the mail.

A. The department of judicial administration is hereby authorized to assess a fee for fulfilling customer requests via the mail.

B. The fee assessed shall be seven dollars per transaction and unless postage is provided by the customer, postage will be charged at a rate of three dollars per transaction.

C. The department of judicial administration shall establish a procedure for the collection of the fee. (Ord. 16293 § 3, 2008).

4.83.080 Fee - preparing and providing documents to the court.

A. The department of judicial administration is hereby authorized to assess and collect a fee for preparing and providing copies of documents to the court. This fee only applies when documents have been electronically submitted to the clerk by parties who wish to have copies provided to the respective judicial officer.

B. The fee assessed shall be twenty dollars per submission.

C. The department of judicial administration shall establish a procedure for the collection of the fee. (Ord. 16297 § 3, 2008).

4.83.090 Fee - preparing and providing report of new cases or new judgments filed in superior court.

A. The department of judicial administration is hereby authorized to assess and collect a fee for preparing and providing a report of new cases filed in superior court or new judgments filed in superior court.

B. The fee shall be five dollars per report.

C. The department of judicial administration shall establish a procedure for the collection of this fee. (16968 § 3, 2011).

Chapter 4.84
REGISTRATION OF BONDS

Sections:

4.84.010 Definitions.
4.84.020 Adoption of registration system.
4.84.030 Statement of transfer restrictions.
4.84.040 Ratification.

4.84.010 Definitions. The following words shall have the following meanings when used in this chapter:

A. The term "bond" or "bonds" shall have the meaning defined in section 2(1), chapter 167, Laws of 1983, as the same may be from time to time amended.

B. The term "county" shall mean King County, Washington.

C. The term "fiscal agencies" shall mean the duly appointed fiscal agencies of the State of Washington serving as such at any given time.

D. The term "obligation" or "obligations" shall have the meaning defined in section 2(3), chapter 167, Laws of 1983, as the same from time to time may be amended.

E. The term "registrar" shall be the person or persons designated by the county to register ownership of bonds or obligations under this chapter. (Ord. 6803 § 1, 1984).

4.84.020 Adoption of registration system. The county adopts the following system of registering the ownership of its bonds and obligations.

A. Registration Requirement. All bonds and obligations offered to the public, having a maturity of more than one year and issued by the county after June 30, 1983, on which the interest is intended to be exempt from federal income taxation, shall be registered as to both principal and interest as provided in this chapter.

B. Method of Registration. The registration of all county bonds and obligations required to be registered shall be carried out either by:

1. a book entry system of recording the ownership of the bond or obligation on the books of the county or the fiscal agencies, whether or not a physical instrument is issued; or

2. by recording the ownership of the bond or obligation and requiring as a condition of the transfer of ownership of any bond or obligation the surrender of the old bond or obligation and either the reissuance of the old bond or obligation or the issuance of a new bond or obligation to the new owners. No transfer of any bond or obligation subject to registration requirements shall be effective until the name of the new owner and the new owner's mailing address, together with such other information deemed appropriate by the registrar, shall be recorded on the books of the registrar.

C. Denominations. Except as may be provided otherwise by the ordinance authorizing their issuance, registered bonds or obligations may be issued and reissued in any denomination up to the outstanding principal amount of the bonds or obligations of which they are a part. Such denominations may represent all or a part of a maturity or several maturities and on reissuance may be in smaller amounts than the individual denominations for which they are reissued.

D. Appointment of Registrar. Unless otherwise provided in the ordinance authorizing the issuance of registered bonds or obligations, the manager of the finance and business operations division of King County shall be the registrar for all registered interest-bearing warrants, installment contracts, interest-bearing leases and other registered bonds or obligations not usually subject to trading and the fiscal agencies shall be the registrar for all other county bonds and obligations.

E. Duties of Registrar.

1. The registrar shall serve as the county's authenticating trustee, transfer agent, registrar and paying agent for all registered bonds and obligations for which he, she, or it serves as registrar and shall comply fully with all applicable federal and state laws and regulations respecting the carrying out of those duties.

2. The rights, duties, responsibilities and compensation of the registrar shall be prescribed in each ordinance authorizing the issuance of the bonds or obligations, which rights, duties, responsibilities and compensation shall be embodied in a contract executed by the manager of the finance and business operations division and the registrar. Except in instances when the fiscal agencies serve as registrar, the county adopts by reference the contract between the state finance committee of the State of Washington and the fiscal agencies in lieu of executing a separate contract and prescribing by ordinance the rights, duties, obligations and compensation of the registrar. When the manager of the finance and business operations division serves as registrar, a separate contract shall not be required.

3. In all cases when the registrar is not the fiscal agencies and the obligation is assignable, the ordinance authorizing the issuance of the registered bonds or obligations shall specify the terms and conditions of:

a. making payments of principal and interest;

b. printing any physical instruments, including the use of identifying numbers or other designation;

c. specifying record and payment dates;

d. determining denominations;

e. establishing the manner of communicating with the owners of the bonds or obligations;

f. establishing the methods of receipting for the physical instruments for payment of principal, the destruction of such instruments and the certification of such destruction;

g. registering or releasing security interests, if any; and

h. such other matters pertaining to the registration of the bonds or obligations authorized by such ordinance as the county may deem to be necessary or appropriate. (Ord. 14199 § 110, 2001: Ord. 12076 § 59, 1995).

4.84.030 Statement of Transfer Restrictions. Any physical instrument issued or executed by the county subject to registration under this chapter shall state on its face that the principal of and interest on the bonds or obligations shall be paid only to the owner thereof registered as such on the books of the registrar as of the record date defined in the instrument and to no other person, and that such instrument, either principal or interest, may not be assigned except on the books of the registrar. (Ord. 6803 § 4, 1984).

4.84.040 Ratification. Any act done pursuant to the authority and prior to June 17, 1984, is approved, ratified and confirmed. (Ord. 6803 § 5, 1984).

Chapter 4.88
FEES FOR COPIES OF CERTAIN MEDICAL EXAMINER REPORTS

Sections:

4.88.010 Fees established.
4.88.020 Fee waiver.

4.88.010 Fees established.

A. Any person, agent or company who requests and receives a copy of an autopsy report in accordance with RCW 68.50.105 shall be charged a fee of fifty dollars.

B. Any person, agent or company who requests and receives a copy of a determination shall be charged a fee of twenty dollars.

[C. Revenues generated by the autopsy reports and determinations fee shall be expended to support the King County medical examiner's office.]*

D. Revenues generated by the cremation permit fee shall be expended to support the King County medical examiner's office. (Ord. 16965 § 2, 2010: Ord. 15953 § 2, 2007: Ord. 11137 § 1 (part), 1993).

***Reviser's note: Language not deleted in Ordinance 16965 in accordance with K.C.C. 1.24.075.**

4.88.020 Fees waiver. The director of the Seattle-King County department of public health is authorized to waive the fees established by K.C.C. 4.88.010, when the reports are requested and received by the decedent's attending physician or by law enforcement agencies or officials conducting criminal investigations or prosecutions. (Ord. 15953 § 3, 2007: Ord. 11137 § 1 (part), 1993).

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Chapter 4.90
SEWER RATES

Sections:

4.90.010 Sewer rate.
4.90.020 Financial plan.
4.90.030 Equity among county and noncounty customers.

4.90.010 Sewer rate.

A. Having determined the monetary requirements for the disposal of sewage, the council hereby adopts a 2011 sewer rate of thirty-six dollars and ten cents per residential customer equivalent per month. Once a sewer rate ordinance becomes effective, the clerk of the council is directed to deliver a copy of that ordinance to each agency having an agreement for sewage disposal with King County.

B. The King County council approves the application of Statement of Financial Accounting Standards No. 71 (FAS 71) to treat pollution remediation obligations and the first year start-up costs after construction on new plants as regulatory assets and establish a rate stabilization reserve for the purpose of leveling rates between years.

C. As required for FAS 71 application, amounts are to be placed in the rate stabilization reserve from operating revenues and removed from the calculation of debt service coverage. The reserve balance shall be an amount at least sufficient to maintain a level sewer rate between 2011 and 2012, and shall be used solely for the purposes of: maintaining the level sewer rate in 2012; and if additional reserve balance is available, moderating future rate increases beyond 2012. If the estimated amount of the reserve, as shown in the financial forecast, Attachment A to Ordinance 16858*, needs to be reduced to meet debt service coverage requirements for 2010, the county executive shall notify the council of the change by providing an updated financial forecast.

D. The executive shall provide monthly cost reports to the council on Brightwater as outlined in K.C.C. 28.86.165. (Ord. 16858 § 1, 2010: Ord. 16554 § 1, 2002: Ord. 16135 § 1, 2008: 15805 § 1, 2007: Ord. 15522 § 1, 2006: Ord. 15384 § 4, 2006: Ord. 15194 § 1, 2005: Ord. 14942 § 2, 2004: Ord. 14676 § 1, 2003: Ord. 14395 § 1, 2002: Ord. 14123 § 1, 2001: Ord. 13570 § 3, 1999: Ord. 13227 § 2, 1998: Ord. 12817 § 2, 1997: Ord. 12353 § 2, 1996).

4.90.020 Financial plan. The council hereby adopts a financial plan for the 1996 water quality program which includes a rate not to exceed $20.30 to satisfy the financial obligations of the wastewater management program. The executive shall prepare the 1996 water quality budget and determine specific monetary requirements of the 1996 sewer program in accordance with this directive. Prior to July 1, 1995, the county will enact an ordinance describing specific monetary requirements for the 1996 water quality program and copies shall be distributed to each component agency having an agreement for sewage disposal with King County. (Ord. 11377 § 2, 1994).

***Available in the office of the clerk of the council.**

4.90.030 Equity among county and noncounty customers. Council affirms historic Metro policies to equally share responsibilities, opportunities, costs and risks associated with the wastewater management program among all component agencies. The executive shall annually prepare an assessment of system equity in accordance with the following requirements to ensure that King County customers do not bear a disproportionate share of system costs and risks as compared to customers served outside King County. Such report will identify:

A. The annual and accrued sewer rate benefit associated with use of King County general obligation bonds on the sewer rate as compared to an estimated rate based exclusively on revenue bond issuance beginning January 1, 1994; and

B. An estimate of the annual and accrued cash value of the rate benefit to non-King County customers listed by component agency as compared to an estimated rate based exclusively on revenue bond issuance; and

C. Status of efforts made to resolve any inequities identified between King County and non-King County component agencies during the year.

D. Status of efforts made by adjoining jurisdictions or non-King County component agencies to help King County locate biosolid handling and disposal facilities within their jurisdictional boundaries; and

E. The executive shall not amend or modify any agreement with a component agency serving non-King County residents unless such agreement also includes provisions to resolve any inequities favoring non-King County customers as described in the annual report. (Ord. 11377 § 3, 1994).

Chapter 4.92
FEES FOR DISHONORED CHECKS
(Formerly FEES FOR RETURNED CHECKS)

Sections:

4.92.010 Fee authorized - collection.

4.92.010 Fee authorized - collection. Agencies of King County are authorized to assess a handling fee of $35.00 per check dishonored by nonacceptance or nonpayment, as authorized under RCW 62A.3-515.

Any King County department or agency that receives payment by check may establish a procedure for the collection of this fee. (Ord. 16694 § 2, 2009: Ord. 11140 § 1-2, 1993: Ord. 8328 § 1, 1987).

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Chapter 4.94
NOXIOUS WEED CONTROL PROGRAM ASSESSMENT

Sections:

4.94.010 Assessment.

4.94.010 Assessment.

A. An assessment for the King County noxious weed control program of two dollars and ten cents per parcel and fifteen cents per acre on all property not classified as forest land shall be imposed annually. Property classified as forest land, as defined in RCW 84.33.035, which is used solely for the planting, growing or harvesting of trees and which is typified by canopies so dense as to prohibit the growth of an understory shall be assessed at the rate of twenty-one cents per parcel and one and one-half cents per acre.

B. The amount of the assessment shall constitute a lien against any property for which the assessment has not been paid by the date it is due, as provided in RCW 17.10.240. A notice of lien shall be sent to each owner of such a property.

C. Lands owned by the federal government or lands owned by federally recognized tribes or members of such tribes that are located within the historical boundaries of a reservation shall not be assessed for the noxious weed control program. (Ord. 15958 § 2, 2007: 14263 § 2, 2001: Ord. 13325 §§ 1 and 2, 1998).

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Chapter 4.96
DEPARTMENT OF COMMUNITY AND HUMAN SERVICES FEES

Sections:

4.96.010 Fees – addiction treatment – billing of third party payors – Cedar Hills – reduction of fees.

4.96.010 Fees – addiction treatment – billing of third party payors – Cedar Hills – reduction of fees. To provide for a portion of the costs and expenses for the provision of addiction treatment, the director of the department of community and human services shall charge and collect fees according to the following guidelines:

A. Before billing a client fee, the department of community and human services shall identify potential third party payors, which shall include, but not be limited to, private insurance, Medicare, Medicaid, the Department of Veterans Affairs and programs of the state of Washington Department of Social and Health Services. Third-party payors shall be billed at full charge, according to this fee schedule, but the Department of Social and Health Services shall not be charged in excess of the maximum applicable Title XIX reimbursement levels for eligible patients. Third parties who annually refer multiple clients may be provided a reduced rate based on volume and provision of shared services. The director of the department of community and human services is authorized to accept such agreed-upon third-party payment as payment in full for services or to establish a client copayment which is subject to client ability to pay.

B. The full fees for the services provided at Cedar Hills addiction treatment program are imposed as follows:

Intensive treatment	$135 per day
Long-term treatment	$106 per day
Residential recovery home treatment	$78 per day
Co-occurring disorder add-on rate	$50 per day
Admission evaluation	$225 per evaluation
Psychiatric evaluation	$130 per hour
Medical services	At Title XIX rates
Pharmaceuticals	Actual cost, plus 10% administrative fee or $10 administrative fee, whichever is less
Laboratory Tests	Actual cost, plus 10% administrative fee or $20 administrative fee, whichever is less
Medical emergency (911) response	Actual cost

C. The director of the department of community and human services is authorized to charge and collect a reduced amount for low-income persons whose income, adjusted for family size, is at or less than eighty percent of the state of Washington median income. Persons who are determined to be indigent, by reason of receiving public assistance shall not be charged a fee. (Ord. 13663 § 2, 1999).

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Chapter 4.98
TECHNOLOGY LEARNING CENTER

Sections:

4.98.010 Fee – technology learning center use.

4.98.010 Fee – technology learning center use. The council, after proper notice having been given to the public, authorizes the manager of the information and telecommunications services division to establish a fee for the use of the technology learning center, as follows:

Service	Rate
Technology learning center room usage per day (or fractional part thereof)	$290.00

(Ord. 14199 § 111, 2001: Ord. 14006 § 2, 2000).

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Chapter 4.100
ELECTRONIC PAYMENTS

Sections:

4.100.010 Definitions.
4.100.020 Policies - convenience and transaction fees.
4.100.025 Credit card, debit card or check card number privacy policy.
4.100.030 Initiating acceptance - council approval for absorbing costs.
4.100.040 Annual reporting.
4.100.050 Chapter not waiver or release - pursuit and recovery of costs.
4.100.100 Electronic payments - animal care and control and pet licensing.

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

A. "Agency" means any department, office or agency managed by an elected official of any branch of King County government.

B. "Authorized personnel" means county staff assigned to process credit card, debit card or check card transactions.

C. “Automated clearing house” means an association of depository institutions that process financial transactions electronically through the Federal Reserve Bank.

D. "Check card" means a card indicating that the holder named on the card has an open checking account in a financial institution shown on the card and that the holder named on the card is authorized to use the card in lieu of paper check to pay for the purchase of goods or services from participating merchants so long as the account is valid and has adequate funds to cover the cost of either goods or services at the time of the transaction.

E. “Convenience fee” means a fee that is charged to a credit card, check card or debit card holder for the convenience of making a payment through an interactive voice response system or through the Internet.

F. "Counter" means the county facility where the customer is physically present when completing the purchase of county goods or services with a credit card, debit card or check card.

G. “Credit card” means a card indicating that the holder named on the card has obtained a revolving line of credit from the financial institution issuing the card up to a certain dollar amount valid to a specified date shown on the card. A credit card may be used to pay for goods and services from merchants or organizations participating in the corresponding credit card program.

H. "Customer" means the person who is purchasing county goods or services with a credit card, debit card or check card.

I. “Debit card” means a card indicating that the holder named on the card has an open account in a financial institution shown on the card and that the holder named on the card is authorized to pay for purchases of goods and services from participating merchants so long as the account is valid and has adequate funds to cover the cost of either goods or services, or both, at the time of the transaction.

J. “Electronic payments” means any financial transaction by which funds are transferred to the county through any type of electronic media. The electronic media include, but are not limited to, automated clearing houses, credit cards, debit cards, smart cards and wire transfers.

K. "Immediately after" means upon completion of the credit card, debit card or check card transaction.

L. “Interactive voice response system” means a system that allows users to pay for services over the telephone or other audio-signal carrier using a credit card.

M. "Merchant copy" means the portion of the physical credit card, debit card or check card transaction receipt that is signed by the holder and retained by the county after completion of the credit card, debit card or check card transaction.

N. “Nontax payment” means a payment made for the main purpose of purchasing either goods or services, or both. The transaction may require an excise tax being collected in relation to the purchase of either goods or services, or both.

O. “Smart card” means a card, issued by a participating merchant or organization, that has an electronic chip with a specified amount stored on the card to be spent for future transactions.

P. “Tax payment” means a payment made for the purpose of fulfilling tax obligations or other special assessments that may be included on the tax statement.

Q. “Transaction fee” means a fee charged by a service provider for the execution of an electronic payment.

R. “Wire transfer” means a financial transaction in which the transferor of the funds authorizes an immediate transfer of funds from a bank account to another specified bank account. (Ord. 14545 § 2, 2002: Ord. 13923 § 3, 2000).

4.100.020 Policies - convenience and transaction fees.

A. Requests to accept electronic payments must be initiated by the affected department or agency. A department or agency is not required to accept electronic payments for any service it provides.

B. A department or agency may accept electronic payments for a service it offers, only if the person making the payment bears the transaction fee in such an amount as determined by the finance and business operations division in accordance with state law.

C. A department or agency may absorb the costs associated with electronic payment transactions, only if the council has given its approval to do so and absorption of the transaction fees does not conflict with state law, this chapter or established county policy.

D. A department or agency may accept electronic payments for tax payments, including interest, penalties and other amounts associated with taxes, only if the person making the payment bears the transaction fee in such an amount as determined by the finance and business operations division in accordance with state law.

E. A department or agency may accept electronic payments for specified nontax payments, including but not limited to code enforcement fines and penalties, special assessments, school and road mitigation payments, and fines, restitution and interest imposed by courts, only if the person making the payment bears the transaction fee in such an amount as determined by the finance and business operations division in accordance with state law.

F. If a department or agency collects payments to be shared with another state or government agency, the department or agency may absorb the cost of the transaction fees, only if the benefits to the county are greater than the transaction fees, as determined by the head of the department or agency, and if approved by the council. A department or agency that collects those types of payments may enter into negotiation with other state or governmental agencies regarding the sharing of transaction fees, unless the share of payment collected to be paid to the other agency is specified by state law.

G. The finance and business operations division shall develop and administer a comprehensive countywide request for proposal for credit card services. The finance and business operations division shall award and administer agreements for the services. A department or agency may not enter into such an agreement without the written consent of the manager of the finance and business operations division.

H. Electronic payments may be accepted in person, over the phone, by fax, by mail, or through the Internet, as determined appropriate by the head of each department and agency and as is consistent with this chapter and any agreement for electronic payment services.

I. Convenience fees may be added to electronic payments processed through an interactive voice response system or through the Internet. The convenience fee may be calculated to cover any transaction costs borne by the department or agency and may include a fee for expedited transaction processing. A department or agency may not impose a convenience fee unless the manager of the finance and business operations division has approved the fee.

J. A department accepting electronic payments shall include transaction fees in its annual budget unless the customer pays the transaction fees. (Ord. 14199 § 112, 2001: Ord. 13923 § 4, 2000).

4.100.025 Credit card, debit card or check card number privacy policy.

A. Electronic commerce systems, either Internet or interactive voice response, shall not store credit card, debit card or check card numbers in a data base or create a database where the numbers are retrievable by any county employee or county systems except as specifically authorized under subsection of E of this section.

B. For credit card, debit card or check card transactions completed at a counter, county staff:

1. Shall not enter credit card, debit card or check card numbers into a database or create a database where the credit card, debit card or check card numbers are retrievable by any county employee or other county systems except as specifically authorized under subsection E of this section;

2. Shall give the holder's copy of the credit card, debit card or check card receipt to the customer; and

3. Shall store the merchant copy of the credit card, debit card or check card receipt for at least three years in a secure location immediately after the transaction is completed, and this location shall be accessible to authorized personnel only.

C. For mail-order and telephone order credit card, debit card or check card transactions, county staff:

1. Shall not enter credit card, debit card or check card numbers into a database or create a database where the credit card, debit card or check card numbers are retrievable by any county employee or other county systems except as specifically authorized pursuant to subsection E of this section.

2. Shall store the merchant copy of the credit card, debit card or electronic check receipt for at least three years in a secure location immediately after the transaction is completed, and this location shall be accessible to authorized personnel only;

3. Shall either mail the credit card, debit card or check card holder the customer's copy of the credit card, debit card or check card receipt or store it with the merchant copy, in accordance with agency policy.

4. Mail order and telephone order forms containing credit card, debit card or check card numbers must be either destroyed or stored with the merchant copy of the credit card, debit card or check card receipt in accordance with agency policy.

D. Agencies with existing systems that store credit card, debit card or check card numbers in locations retrievable by any county employee or other county systems as of January 6, 2003, must provide written notification to the executive and council chair with a plan to comply with this section by March 31, 2003. These agencies shall provide written notification to the executive and the council chair upon compliance with this section by December 31, 2003.

E. An agency must obtain written authorization from the executive and provide written notification to the council chair for the use of systems that collect credit card, debit card or check card numbers in any location where credit card, debit card or check card numbers are retrievable by any county employee or other county systems. (Ord. 14545 § 3, 2002).

4.100.030 Initiating acceptance - council approval for absorbing costs.

A. A department or agency may initiate the acceptance of electronic payments without council approval, only if the person making the payment bears the transaction fee in such an amount as determined by the finance and business operations division in accordance with state law.

B. A department or agency wishing to absorb the costs associated with electronic payment transactions shall receive council approval to do so. The process for receiving council approval is as follows:

1. The department or agency must submit to the budget office and to the finance and business operations division a formal request to initiate acceptance of electronic payments along with a business analysis which, at a minimum, describes any combination of the service or services and product or products for which the electronic payment option is to be offered, assesses the benefits of absorbing the transaction costs associated with these payments, projects the annual fiscal impact of absorbing transaction costs over a three-year horizon, documents legal or contractual obligations that would be affected by acceptance of electronic payments and adequately cites or includes as attachments any documentation supporting its business analysis. The council encourages the executive to develop an electronic payment business analysis template for use by interested agencies; and

2. If the budget office agrees that absorbing the transaction costs serves the best interests of the county, and if the finance and business operations division confirms that the proposal meets its electronic payment processing protocol, the executive may transmit an appropriation request to the council. The transmittal package must include the department or agency business analysis on which the original request is based. The council encourages submittal of the electronic payment appropriation requests as part of the annual budget. (Ord. 14199 § 113, 2001: Ord. 13923 § 5, 2000).

4.100.040 Annual reporting. Each year as part of the annual budget transmittal, the executive shall provide the council with a list of those agencies offering electronic payment options. This list must include, for each agency, the budgeted appropriation for absorbing electronic payment transaction costs for the previous budget year, the actual electronic payment transaction costs for the previous year, the budgeted funding for the costs in the present budget year and the proposed funding for the upcoming budget year. (Ord. 13923 § 6, 2000).

4.100.050 Chapter not waiver or release – pursuit and recovery of costs. This chapter is not a waiver or release of any fee, fine, penalty, assessment or other amount that the county may make or impose for an inadequate or insufficient electronic payment to the county. The county reserves and shall exercise all rights under law to pursue and recover all costs from persons making, presenting or using inadequate or insufficient electronic payment methods. (Ord. 13923 § 7, 2000).

4.100.100 Electronic payments - animal care and control and pet licensing. The records and licensing services division is authorized to accept electronic payments for animal care and control and pet licensing purposes, including for all fees and penalties in K.C.C. 11.04.035. The records and licensing services division is authorized to absorb the operational and business costs of accepting these electronic payments, including bank and processing fees charged by electronic payment vendors, subject to appropriation authority being provided by the county council. (Ord. 16861 § 6, 2010).

Chapter 4.104
SHERIFF'S CIVIL UNIT FEES

Sections:

4.104.010 Civil unit fees.

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4.104.010 Civil unit fees.

The following fees apply as provided in this chapter:

A. Service of civil process, service, summons and complaint, notice and complaint, summons and petition and notice of small claim:

1. Serve one defendant	$30.00
2. Serve two or more defendants, same address	$30.00
3. All returns	$23.00
4. Nonresident returns	$23.00
5. Notary fee	$10.00
6. Mileage (per mile)	Federal standard mileage rate

B. Attachment, writ – personal property:

1. Levy, per hour	$67.00
2. Serve, each defendant	$40.00
3. Return to court	$23.00
4. Mileage (per mile)	Federal standard mileage rate

C. Attachment, writ – real property:

1. Levy (per hour)	$67.00
2. Notice of levy	$5.00
Per Location	$2.00
3. Filing with auditor and auditor's filing fee	$30.00
4. Serve defendant (if required)	$40.00
5. Return to court	$23.00
6. Mileage (per mile)	Federal standard mileage rate

D. Execution – personal property:

1. Levy (per hour)	$67.00
2. Notice of sale and copies (first copy)	$2.00
3. Additional copies (each)	[$1.00]*
4. Posting of each notice	$15.00
5. Conducting sale (per hour)	$67.00
6. Bill of sale (each)	$67.00
7. Return to court	$23.00
8. Serve defendant	$40.00
9. Serve notice (defendant)	$40.00
10. Postponement notice (each)	$15.00
11. Mileage (per mile)	Federal standard mileage rate
12. Mailing	Actual costs of postage

E. Warrants:

1. Serve (each)	$67.00
2. Return to court	$23.00
3. Mileage (per mile)	Federal standard mileage rate

F. Subpoena:

1. Serve (each)	$40.00
2. Return to court	$23.00
3. Mileage	Federal standard mileage rate

G. Postage for mailing, required by statute whether regular, certified, or registered:	Actual cost of postage
H. Mileage fee, each mile actually and necessarily traveled in going to or returning from any place of service or attempted service:	Federal standard mileage rate

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I. Execution – order of sale of real property:	
1. Levy (per hour)	$67.00
2. Notice to publisher	$2.00
3. Recording with auditor	$30.00
4. Notice of sale (plus copies)	$3.00
5. Conducting sale (per hour)	$67.00
6. Certificate of sale	$67.00
7. Return to court	$23.00
8. Posting of notice (each)	$15.00
9. Affidavit of posting	$10.00
10. Postponement (each notice)	$15.00
11. Mileage (per mile)	Federal standard mileage rate
12. Mailing	Actual cost of postage
J. Writ of garnishment:	
1. Serve garnishee	$40.00
2. Return to court	$23.00
3. Serve defendant (if required)	$40.00
4. Mileage (per mile)	Federal standard mileage rate
5. Mailing	Actual cost of postage
K. Writ of replevin – affidavit, claim and delivery:	
1. Serve defendant with writ – affidavit and bond	$40.00
2. Serve summons and complaint (one)	$30.00
3. Serve summons and complaint (two or more)	$40.00
4. Levy (per hour)	$67.00
5. Return to court	$23.00
6. Mileage (per hour)	Federal standard mileage rate
L. Writ of restitution or writ of assistance, or both:	
1. Service without aid of county (posting)	$46.00
2. Service with aid of county (oust and eject)	$87.00
3. Cost per hour after first hour	$67.00
4. Return to court	$23.00
5. Mileage (per mile)	Federal standard mileage rate
M. Redemption:	
1. Serve notice of intent	$40.00
2. Certificate of redemption	$67.00
3. Copies	In accordance with RCW 36.18.040
N. Deed issuance	$45.00
O. Habeas corpus, order to assist:	
1. Serve only	$40.00
2. Executing of (per hour)	$67.00
3. Return to court	$23.00
P. Internal-only criminal history record check:	$15.00
Q. Notarizing documents:	$10.00
R. All other documents and supporting papers for which no other fee is provided in this section:	$40.00
S. Fingerprinting:	
1. Noncriminal purpose up to two sets	$15.00
2. Each additional set	$5.00

(Ord. 16978 § 2, 2010: Ord. 16292 § 2, 2008: Ord. 14792 § 2, 2003).

***Reviser's note: Language not underlined in Ordinance 16292. See K.C.C. 1.24.075.**

Chapter 4.110
TROLLEYWIRE DEACTIVATION FEES AND COSTS

Sections:

4.110.010 Trolleywire deactivation - fees and costs - rules.

4.110.010 Trolley wire deactivation - fees and costs - rules.

A. The transit division shall assess a one-thousand-dollar fee to process each request to deactivate trolleybus wires for work related to construction projects taking place along electric trolleybus routes. The fee shall be payable in advance by the applicant. One-half of the fee shall be refundable if the applicant provides the department with a cancellation notice in sufficient time for the department to reassign trolleybuses to the affected routes and avoid the cost to deactivate the trolleywires and provide diesel substitute service. Parties may be exempt from paying the fee if prior agreements with the county exist as of the effective date of this section.

B. In addition to the fee assessed under subsection A. of this section, the applicant shall also reimburse the transit division for actual costs incurred by the transit division to deactivate the trolleywires and provide diesel substitute service in excess of one thousand dollars.

C.1. The transit division shall establish by rule a procedure for collection of the fee assessed under subsection A. of this section, including provisions for advance payment and refunding the fee if the department receives a cancellation notice in time to avoid incurring additional actual costs to deactivate the trolleywires and provide diesel substitute service.

2. The transit division shall establish by rule a procedure for recovering the actual costs incurred by the division to deactivate the trolleywires and provide diesel substitute service, as authorized under subsection B. of this section. (Ord. 16943 § 4, 2010).

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Chapter 4.120
PUBLIC HEALTH ADMINISTRATIVE SERVICES

Sections:

4.120.010 Notary service fee.

4.120.010 Notary services fee. A person who receives notary services from the director of the Seattle-King County department of public health in accordance with chapters 26.26 RCW and 70.08 RCW shall be charged a fee of eight dollars. (Ord. 16971 § 3, 2010).

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Chapter 4.150
TRANSIT PROGRAM FARES

Sections:

4.150.010 Rates of fare for transit program.

4.150.010 Rates of fare for transit program.

A. Except as may otherwise be provided by ordinance, the following fare categories and rates are established for regularly scheduled county public transportation service on buses, trolleys, transit vans, dial-a-ride vehicles and streetcars:

	Off-peak	**One-zone peak**	**Two-zone peak**
Regular fare	$2.25	$2.50	$3.00
Child fare	No charge	No charge	No charge
Youth fare	$0.75	$0.75	$0.75
Seniors and persons with disabilities fare	$0.75	$0.75	$0.75

The fare categories and rates are subject to, and defined by, the following:

1. The descriptions of transit zones are set forth in K.C.C. 28.94.030;

2. The time-of-day limitations for peak period trips and off-peak period trips are set forth in K.C.C. 28.92.115 and 28.92.100;

3. The child fare is available to persons up to six years old when accompanied by a responsible person paying the proper fare as set forth in this chapter. Up to four children may ride with each responsible person;

4. The youth fare is available to persons from six through nineteen years old and persons over eighteen years old who receive student passes under K.C.C. 28.94.210;

5. The senior and persons with disabilities fare is available to persons who apply for and receive a regional reduced fare permit. The permits are available to persons at least sixty-five years old and persons with disabilities as provided in the regional reduced fare permit program authorized under K.C.C. 28.94.255; and

6. A person with a disability who has been issued an “attendant ride free” permit by the department may be accompanied by an attendant, who is not required to pay a fare.

B. A fare in subsection A. of this section is paid when a person pays the appropriate amount in cash or presents an appropriate pass, transfer or other fare payment media established under, and used in accordance with, this chapter.

C. The following fare media are established for use on regularly scheduled county public transportation service on buses, trolleys, transit vans, dial-a-ride vehicles and streetcars:

Regional fare media.

Regional and institutional passes, in various single-trip value denominations and for various effective periods, may be issued and sold in accordance with the terms of an agreement approved by the county council and entered into with other public transportation providers in the region. Institutions include employers, groups of employers, educational institutions, transportation management associations and other organizations. The various effective periods, single-trip values and prices for the regional and institutional passes shall be established by the agreement. A valid regional or institutional pass may be presented an unlimited number of times during its effective period as full or partial payment of the applicable fare. To the extent the single trip value of the regional pass is not sufficient to cover the applicable fare, the rider shall pay the difference in cash or from an electronic stored value product, such as e purse.

For institutions entering into an annual institutional pass agreement, the following schedule of calculations shall determine the cost of the annual agreement for King County Metro's portion of the agreement:

First twelve months:	TR x baseline trips
Second twelve months:	(TR x baseline trips) + [(TR x added trips) x 1/3]
Third twelve months:	(TR x baseline trips) + [(TR x added trips) x 2/3]
Fourth twelve months (and subsequent 12 month periods):	(TR x baseline trips) + (TR x added trips)

For purposes of this formula, "added trips" means those trips taken during the prior twelve months, determined either from surveys or electronic counting of actual institutional pass use, which exceed the number of baseline trips established at the execution of the institutional pass agreement. Electronic counts of one month or more will be annualized and used in lieu of survey results if available.

For purposes of this formula, "baseline trips" means the estimated number of transit trips taken by the contracting party's covered population of students, employees or others, or any combination thereof, in the twelve months preceding execution of the institutional pass agreement. Baseline trips may be adjusted on an annual basis to account for changes in the number of eligible employees.

For purposes of this formula, in the event a party terminates or does not renew an institutional pass agreement, any subsequent institutional pass agreement entered into with that party shall be priced as if in the "fourth twelve months and thereafter" category.

For purposes of this formula, "trip revenue" or "TR" means the weighted average fare per trip determined by the department.

D. The rate of fare for paratransit service shall be $1.25 per trip and $45.00 for a monthly pass.

E. The rate of fare for customized bus service to residents of Center Park, a facility of the Seattle Housing Authority located at 2121 - 26th Avenue South, Seattle, is equal to the paratransit fares specified in subsection D. of this section. (Ord. 16947 § 2, 2010: Ord. 16702 § 8, 2009: Ord. 16702 § 2, 2009: Ord. 16299 § 8, 2008: 15959 § 2, 2007: Ord. 14481 § 2, 2002: Ord. 14096 § 2, 2001: Ord. 13660 § 2, 1999: Ord. 13480 § 2, 1999. Formerly K.C.C. 28.94.015).