



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

August 16, 2011

Ordinance 17166

Proposed No. 2011-0308.3

Sponsors Phillips

1 AN ORDINANCE relating to integrating annual reporting
2 on climate change, energy, green building and
3 environmental purchasing programs; amending Ordinance
4 11617, Section 3, as amended, and K.C.C. 2.95.015,
5 Ordinance 9240, Section 17, as amended, and K.C.C.
6 10.16.170 and Ordinance 9240, Section 18, as amended, and
7 K.C.C. 10,16,180, adding new chapters to K.C.C. Title 18,
8 recodifying K.C.C. 2.95.005, K.C.C. 2.95.015, K.C.C.
9 2.95.025, K.C.C. 2.95.035, K.C.C. 10.16.010, K.C.C.
10 10.16.020, K.C.C. 10.16.055, K.C.C. 10.16.060, K.C.C.
11 10.16.075, K.C.C. 10.16.090, K.C.C. 10.16.160, K.C.C.
12 10.16.170 and K.C.C. 10.16.180 and repealing Ordinance
13 5770, Section 101, and K.C.C. 18.04.010, Ordinance 5770,
14 Section 102, Ordinance 5770, Section 201 (part), and
15 K.C.C. 18.08.010, Ordinance 5770, Section 201 (part), and
16 K.C.C. 18.08.020, Ordinance 5770, Section 201 (part), and
17 K.C.C. 18.08.030, Ordinance 5770, Section 201 (part), and
18 K.C.C. 18.08.040, Ordinance 5770, Section 201 (part), and
19 K.C.C. 18.08.050, Ordinance 5770, Section 201 (part), and

20 K.C.C. 18.08.060, Ordinance 5770, Section 201 (part), and
21 K.C.C. 18.08.070, Ordinance 5770, Section 301, and K.C.C.
22 18.12.010, Ordinance 5770, Section 302, as amended, and
23 K.C.C. 18.12.020, Ordinance 5770, Section 303, and K.C.C.
24 18.12.030, Ordinance 5770, Section 304, and K.C.C.
25 18.12.040 and Ordinance 5770, Section 401, and K.C.C.
26 18.16.010.

27 STATEMENT OF FACTS:

- 28 1. Three separate annual program reports are currently provided to the
29 King County council on climate change and energy, green building and
30 environmental purchasing.
- 31 2. The 2010 King County Energy Plan, adopted by Motion 13368, noted
32 in Strategy 13, that the county will "Integrate and streamline reporting
33 requirements related to energy efficiency, green building, and greenhouse-
34 gas emissions to maximize their value for evaluating performance,
35 informing policy choices and capital investments, and providing useful
36 information to the public."
- 37 3. On January 31, 2011, the King County executive transmitted a letter of
38 intent to the King County council to comply with this strategy by
39 producing a consolidated report on the county's climate change, energy
40 and green building programs, and indicated the report would also
41 incorporate the closely related environmental purchasing report required
42 under Ordinance 15912.

43 4. A single comprehensive report covering these related efforts provides
44 several benefits: integrating climate change, energy, green building and
45 environmental purchasing performance measures; providing a single
46 reference for the public, council and other stakeholders about county
47 progress on these related efforts; streamlining the resources directed to
48 multiple related reporting requirements, allowing a greater focus on
49 implementation; and facilitating collaboration and coordination on diverse
50 but related issues.

51 5. A consolidated climate change, energy, green building and
52 environmental purchasing report replaces the annual Climate Change
53 Report required by Motion 12362 and due on February 1, the green
54 building annual report required by Ordinance 16147 and due May 1, and
55 the environmental purchasing report required by Ordinance 15912 and due
56 in April.

57 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

58 SECTION 1. There is hereby established a new chapter in K.C.C. Title 18. This
59 new chapter shall contain section 2 of this ordinance.

60 NEW SECTION. SECTION 2. There is hereby added to the new chapter
61 established in section 1 of this ordinance a new section to read as follows:

62 The executive shall transmit by June 30 of each year a report on the county's
63 major environmental sustainability programs intended to reduce energy use, climate
64 emissions and resource use. The executive shall transmit the report to council, filed in
65 the form of a paper original and an electronic copy with the clerk of the council, who

66 shall retain the original and provide an electronic copy to all councilmembers, the council
67 chief of staff and the lead staff for the transportation economy and environment
68 committee or its successor. The report shall cover the climate change, energy, green
69 building and environmental purchasing programs. For each of these programs, the
70 executive shall describe the major accomplishments and include a summary of
71 performance relative to key environmental goals and indicators, challenges and
72 opportunities and recommendations. The report shall be structured in a way that links
73 actual performance to established goals and indicators and can guide policy choices,
74 program priorities, and investments in capital projects. The report should address the
75 following:

76 A. The climate change program, including:

77 1. The greenhouse gas emissions reduction targets for both county government
78 operations and the county as a whole and actions to reduce operational and community
79 scale greenhouse gas emissions; and

80 2. Specific climate mitigation and adaptation strategies, performance measures
81 and targets;

82 B. The energy program, including energy targets established in the 2010 Energy
83 Plan;

84 C. The green building program, including:

85 1. The total number of capital projects for which a division is responsible, and
86 the number of LEED projects and other sustainable development projects, such as
87 historic restoration and adaptive reuse, and their status;

88 2. The additional costs associated with achieving LEED certification;

- 89 3. The total number of non-LEED projects that have completed a sustainable
90 development scorecard;
- 91 4. The green strategies employed;
- 92 5. The operations and maintenance costs for all completed projects
93 incorporating green building principles and practices and projects incorporating
94 renewable energy or energy efficiency components, as well as the operations and
95 maintenance costs that were projected before construction;
- 96 6. The reductions in greenhouse gas emissions;
- 97 7. The construction waste recycled; renewable resources used;
- 98 8. The green materials used; and
- 99 9. The fiscal performance of all projects incorporating green building principles
100 and practices including an accounting of all project costs and benefits that can be
101 quantified, documented and verified; and
- 102 D. The environmental purchasing program, including:
- 103 1. Quantities, costs and types of recycled and other environmentally preferable
104 products purchased, and quantities of computers and electronics recycled;
- 105 2. A summary of savings achieved through the purchase of recycled and other
106 environmentally preferable products;
- 107 3. A summary of program promotional efforts; and
- 108 4. Recommendations for changes in procurement policies.
- 109 SECTION 3. There is hereby established a new chapter in K.C.C. Title 18. This
110 new chapter shall contain K.C.C. 2.95.005 as recodified by this ordinance, K.C.C.

111 2.95.015, as recodified by this ordinance, K.C.C. 2.95.025, as recodified by this
112 ordinance, and K.C.C. 2.95.035, as recodified by this ordinance.

113 SECTION 4. K.C.C. 2.95.005 is hereby recodified as a new section in the new
114 chapter established in section 3 of this ordinance.

115 SECTION 5. K.C.C. 2.95.015, as amended by this ordinance, is hereby
116 recodified as a new section in the new chapter established in section 3 of this ordinance.

117 SECTION 6. Ordinance 16147, Section 3, as amended, and K.C.C. 2.95.015 are
118 each hereby amended to read as follows:

119 A. The intent of this policy is to ensure that the design, construction, maintenance
120 and operation of any King County-owned or financed capital project is consistent with
121 the latest green building and sustainable development practices.

122 B. This policy applies to all King County-owned or lease-to-own capital projects,
123 excluding projects that have already completed thirty percent of the design phase ((at the
124 ~~time of ordinance adoption~~) by June 23, 2008.

125 C. All capital projects to which this chapter applies shall utilize relevant LEED
126 criteria to implement sustainable development practices in planning, design, construction
127 and operation as set forth in this chapter.

128 D. All LEED-eligible new construction and major remodels and renovations shall
129 be registered through the United States Green Building Council and should plan for and
130 achieve a LEED Gold certification, as long as a Gold certification can be achieved with
131 no incremental cost impact to the current expense fund over the life of the asset and an
132 incremental cost impact of no more than two percent to other funds over the life of the
133 asset, as compared to a project that is not seeking a LEED rating. At or before the project

134 has reached thirty percent of the design phase, the project team shall conduct an analysis
135 that determines the incremental costs for achieving a LEED Gold rating as compared to a
136 building that is not seeking a LEED rating. The analysis shall include the up-front
137 incremental construction costs, the up-front costs of registration and certification and the
138 present value of operations and maintenance cost savings over the life of the asset. For
139 the purposes of this analysis, operations and maintenance cost savings shall be comprised
140 of projected costs the county will incur over the life of the asset. The costs included in
141 this analysis shall be quantifiable, documented and verifiable by third-party review upon
142 project completion and thereafter.

143 At thirty percent of the design phase, the project team shall also provide a
144 summary discussion of the LEED points that the project will achieve and the LEED
145 points that are technically infeasible for the project to obtain.

146 For projects achieving a LEED rating, the project team shall ensure that energy
147 efficiency is given the highest priority. Project teams shall submit a completed LEED
148 checklist, which documents which LEED points the project team expects to achieve, to
149 the green building team, initially at the schematic or thirty percent design phase of the
150 project and then at the completion of the project.

151 If it is determined that costs are too high to achieve a LEED Gold rating, or that
152 the project is unable to achieve that rating for technical reasons, projects shall achieve the
153 highest rating possible with no incremental cost impact to the current expense fund over
154 the life of the asset and an incremental cost impact of no more than two percent to other
155 funds over the life of the asset as compared to a project not achieving a LEED rating.

156 There may be extenuating circumstances for some LEED-eligible projects that make it

157 cost prohibitive to achieve any level of LEED certification. These projects must submit a
158 written summary to the director of the department managing the project for approval,
159 documenting the reasons why the project is not getting a LEED certification.

160 E. All capital projects, where the scope of the project or type of structure limits
161 the ability to achieve LEED certification, shall incorporate cost-effective green building
162 and sustainable development practices based on relevant LEED criteria and other
163 applicable sustainable development goals and objectives. These projects shall use a
164 project scorecard that is to be developed by the green building team, along with
165 guidelines for using the scorecard. The project scorecard and guidelines will be
166 developed by the green building team in conjunction with divisions that have capital
167 project or building management staff and the GreenTools technical support team. ~~((The~~
168 ~~project scorecard and related guidelines for non-LEED projects shall be developed by~~
169 ~~January 1, 2009.))~~ Project teams shall submit a completed project scorecard to the green
170 building team, initially at the schematic or thirty percent design phase of the project and
171 then at the completion of the project. For small, related capital projects with construction
172 costs of less than seven hundred and fifty thousand dollars each that are implemented as
173 part of a program, the project scorecard and reporting requirements may be done for the
174 program rather than for each individual small project.

175 F. For those projects which only involve making either renewable energy
176 improvements or energy efficiency improvements, or both, at or before the project has
177 reached thirty percent of the design phase, the project team shall conduct an analysis that
178 determines the incremental costs of making such improvements. The costs to be included
179 in this analysis shall include the up-front incremental construction costs and the present

180 value of the operations and maintenance cost savings over the life of the asset. For the
181 purposes of this analysis, operations and maintenance cost savings shall be comprised of
182 projected costs the county will incur over the life of the asset. The costs included in this
183 analysis shall be quantifiable, documented and verifiable by third-party review upon
184 project completion and thereafter.

185 G. To help achieve a standard level of green building operations in existing
186 buildings, the green building team, in coordination with divisions that have capital project
187 or building management staff and the GreenTools technical support team, shall develop a
188 set of both mandatory and recommended green building operational guidelines for
189 divisions to incorporate into their facility operations procedures. The guidelines shall
190 provide direction on the use of green practices in minor remodels and renovations, water
191 and energy conservation, waste reduction and recycling expectations, green cleaning
192 standards and retrocommissioning to improve a facility's operating performance. ~~((The
193 guidelines shall be developed by January 1, 2009.))~~

194 H. No later than January 31 of each year, all divisions responsible for capital
195 improvement projects or building management shall submit a report to the department of
196 natural resources and parks, detailing the green building and sustainable development
197 accomplishments for the previous year. ~~((The green building team shall develop a
198 reporting form for this purpose and issue it to all divisions responsible for capital
199 improvement projects or building management no later than January 1, 2009, to be used
200 for the 2009 reporting year.))~~ Information to be submitted shall include, but not be
201 limited to:

202 1. The total number of capital projects a division is responsible for; number of
203 LEED projects and other sustainable development projects, such as historic restoration
204 and adaptive reuse, and their status;

205 2. The additional costs associated with achieving LEED certification;

206 3. The total number of non-LEED projects that have completed a sustainable
207 development scorecard;

208 4. The green strategies employed;

209 5. The operations and maintenance costs for all completed projects
210 incorporating green building principles and practices and projects incorporating
211 renewable energy or energy efficiency components, as well as the operations and
212 maintenance costs that were projected before construction;

213 6. The reductions in greenhouse gas emissions;

214 7. The construction waste recycled; renewable resources used;

215 8. The green materials used; and

216 9. The fiscal performance of all projects incorporating green building principles
217 and practices including an accounting of all project costs and benefits that can be
218 quantified, documented and verified.

219 I. ~~((The department of natural resources and parks shall compile an annual
220 progress report of county projects using the information submitted by departments.
221 Eleven copies of the annual progress report shall be files with the clerk of the council by
222 May 1 of each year, for distribution to all councilmembers.)) The executive shall report
223 on the progress of implementing K.C.C. 2.95.015 in accordance with section 2 of this
224 ordinance.~~

225 J. The green building team shall coordinate and share information about the use
226 of sustainable development practices countywide and, with assistance from the
227 GreenTools program, develop tools and training for project managers to implement this
228 legislation. Its role includes:

229 1. Helping to assess regionally appropriate green building and sustainable
230 development practices;

231 2. Developing regionally appropriate building and infrastructure design
232 standards and guidelines;

233 3. Developing tools and procedures for assessing life-cycle fiscal,
234 environmental and functional costs and benefits;

235 4. Convening and facilitating sustainable development planning and charrette
236 workshops;

237 5. Evaluating performance of projects and facilities, including conducting post
238 occupancy surveys, energy and water use audits and evaluating benefits realized; and

239 6. Tracking and reporting progress on implementation of green building and
240 sustainable development practices.

241 K. Each division with capital project or building management staff shall
242 designate one or more green building team member or members. The team member is
243 expected to regularly attend meetings and actively participate in disseminating
244 sustainable development practices information back to the respective division. Green
245 building team members should also receive either specialized training or additional
246 training, or both, in green building design and should be encouraged to achieve the LEED
247 Accredited Professional designation, as appropriate.

248 L. County capital improvement project managers that are currently managing or
249 will manage projects that fit the criteria in subsections D. and E. of this section are
250 responsible for attending appropriate LEED and sustainable development training and
251 annual refresher courses. Trainings shall be coordinated by the green building team.

252 M. The GreenTools program shall provide technical support for the county green
253 building team and to cities and the general public in the county as appropriate, including,
254 but not limited to, training on LEED and other green building and sustainable
255 development technologies, research, project review, assisting with budget analysis and
256 convening groups to develop strategies and policies relating to green buildings and
257 sustainable infrastructures.

258 N. The preservation, restoration and adaptive reuse of existing buildings is an
259 important green building strategy because historic preservation is, in itself, sustainable
260 development. As part of the county green building strategy, the county shall preserve and
261 restore the historic landmarks and properties eligible for landmark designation that are
262 owned by the county, except in cases where a certificate of appropriateness is granted by
263 the King County landmarks commission. Projects involving designated landmarks or
264 properties that are eligible for landmark designation shall seek to maximize green
265 building strategies such as natural daylighting and passive ventilation. However, the
266 King County landmarks commission or other applicable regulatory body may waive
267 requirements of this section upon issuing findings that strict compliance with this chapter
268 would adversely affect the historic character of the resource in question, or that there are
269 no feasible alternatives for preservation.

270 SECTION 7. Section 6 of this ordinance expires December 31, 2013.

271 SECTION 8. K.C.C. 2.95.025 and K.C.C. 2.95 035 are each hereby recodified as
272 new sections in the new chapter established under section 3 of this ordinance.

273 SECTION 9. There is hereby established a new chapter in K.C.C. Title 18. This
274 new chapter shall contain K.C.C. 10.16.010, as recodified by this ordinance, K.C.C.
275 10.16.020, as recodified by this ordinance, K.C.C. 10.16.055, as recodified by this
276 ordinance, K.C.C. 10.16.060, as recodified by this ordinance, K.C.C. 10.16.075, as
277 recodified by this ordinance, K.C.C. 10.16.090, as recodified by this ordinance, K.C.C.
278 10.16.160, as recodified by this ordinance, K.C.C. 10.16.170, as recodified by this
279 ordinance, K.C.C. 10.16.180, as recodified by this ordinance, and K.C.C. 10.16.190, as
280 recodified by this ordinance.

281 SECTION 10. K.C.C. 10.16.010, K.C.C. 10.16.020, K.C.C. 10.16.055, K.C.C.
282 10.16.060, K.C.C. 10.16.075, K.C.C. 10.16.090 and K.C.C. 10.16.160 are each hereby
283 recodified as new sections in the new chapter established under section 9 of this
284 ordinance.

285 SECTION 11. K.C.C. 10.16.170, as amended by this ordinance, is hereby
286 recodified as a new section in the new chapter established in section 11 of this ordinance.

287 SECTION 12. Ordinance 9240, Section 17, as amended, and K.C.C. 10.16.170
288 are each hereby amended to read as follows:

289 The solid waste division is responsible for:

290 A. Providing information and technical assistance to local governments, schools,
291 colleges and other public and private organizations to increase their purchase of recycled
292 and other environmentally preferable products;

293 B. Preparing press releases and fact sheets publicizing the successes of the
294 program;

295 C. ~~((Assisting the procurement and contract services section by forwarding the
296 annual program report to the council in June of each year;~~

297 ~~D.))~~ Assisting the procurement and contract services section in fulfilling its
298 responsibilities under this chapter; and

299 ~~((E.))~~ D. Providing technical assistance to county departments in evaluating
300 paper reduction strategies and educating employees in implementing paper conservation
301 measures.

302 SECTION 13. K.C.C. 10.16.180 is hereby recodified as a new section in the new
303 chapter established under section 9 of this ordinance.

304 SECTION 14. Ordinance 9240, Section 18, as amended, and K.C.C. 10.16.180
305 are each hereby amended to read as follows:

306 The procurement and contract services section is responsible for:

307 A. Assigning appropriate personnel to fulfill the requirements of this policy;

308 B. Preparing or revising bid documents and contract language where necessary to
309 implement this chapter;

310 C. Researching opportunities for procurement of recycled and other
311 environmentally preferable products and communicating these to appropriate county
312 departments for evaluation and purchase;

313 D. Collecting data on purchases by departments of recycled and other
314 environmentally preferable products; and

315 E. Preparing ~~((and submitting a report to the solid waste division each year by~~
316 ~~March 31, describing the progress of departments in implementation of the environmental~~
317 ~~purchasing policy, including the following elements:~~

318 1. ~~Quantities, costs and types of recycled and other environmentally preferable~~
319 ~~products purchased, and quantities of computers and electronics recycled;~~

320 2. ~~A summary of savings achieved through the purchase of recycled and other~~
321 ~~environmentally preferable products;~~

322 3. ~~A summary of program promotional efforts; and~~

323 4. ~~Recommendations for changes in procurement policies))~~ information and
324 staff support as necessary for the preparation of the report required in section 2 of this
325 ordinance.

326 SECTION 15. K.C.C. 10.16.190 is hereby recodified as a new section in the new
327 chapter established under section 9 of this ordinance.

328 SECTION 16. The following are hereby repealed:

329 A. Ordinance 5770, Section 101, and K.C.C. 18.04.010;

330 B. Ordinance 5770, Section 102;

331 C. Ordinance 5770, Section 201 (part), and K.C.C. 18.08.010;

332 D. Ordinance 5770, Section 201 (part), and K.C.C. 18.08.020;

333 E. Ordinance 5770, Section 201 (part), and K.C.C. 18.08.030;

334 F. Ordinance 5770, Section 201 (part), and K.C.C. 18.08.040;

335 G. Ordinance 5770, Section 201 (part), and K.C.C. 18.08.050;

336 H. Ordinance 5770, Section 201 (part), and K.C.C. 18.08.060;

337 I. Ordinance 5770, Section 201 (part), and K.C.C. 18.08.070;

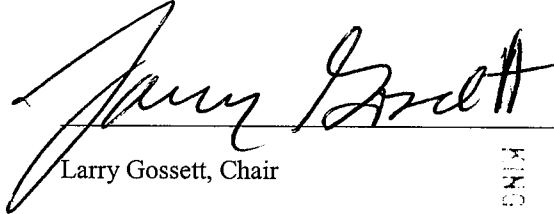
- 338 J. Ordinance 5770, Section 301, and K.C.C. 18.12.010;
- 339 K. Ordinance 5770, Section 302, as amended, and K.C.C. 18.12.020;
- 340 L. Ordinance 5770, Section 303, and K.C.C. 18.12.030;

- 341 M. Ordinance 5770, Section 304, and K.C.C. 18.12.040; and
- 342 N. Ordinance 5770, Section 401, and K.C.C. 18.16.010.
- 343

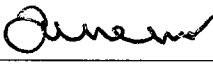
Ordinance 17166 was introduced on 7/18/2011 and passed as amended by the Metropolitan King County Council on 8/15/2011, by the following vote:

Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague, Ms. Patterson, Ms. Lambert, Mr. Ferguson, Mr. Dunn and Mr. McDermott
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Larry Gossett, Chair


ATTEST:



Anne Noris, Clerk of the Council

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CLERK
KING COUNTY COUNCIL

APPROVED this 26 day of AUGUST, 2011.



Dow Constantine, County Executive

Attachments: None