



Signature Report

Ordinance 19015

Proposed No. 2019-0347.2

Sponsors von Reichbauer

1 AN ORDINANCE relating to the office of risk
2 management services; revising tort claims handling,
3 enabling electronic filing by claimants and clarifying the
4 name of the office of risk management services; and
5 amending Ordinance 14199, Section 11, as amended, and
6 K.C.C. 2.16.035, Ordinance 11984, Section 3, as amended,
7 and K.C.C. 2.21.030, Ordinance 3581, Section 6, as
8 amended, and K.C.C. 2.21.050, Ordinance 3581, Section 7,
9 as amended, and K.C.C. 2.21.060, Ordinance 3581, Section
10 8, as amended, and K.C.C. 2.21.070, Ordinance 3581,
11 Section 9, as amended, and K.C.C. 2.21.080, Ordinance
12 12045, Section 20, as amended, and K.C.C. 4.56.035,
13 Ordinance 17392, Section 1, as amended, and K.C.C.
14 7.08.110, Ordinance 13734, Section 12, and K.C.C.
15 14.45.100, Ordinance 1159, Article III, Section 12, as
16 amended, and K.C.C. 15.12.120 and Ordinance 12808,
17 Section 3, as amended, and K.C.C. 24.28.020.

18 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

19 SECTION 1. Ordinance 14199, Section 11, as amended, and K.C.C. 2.16.035 are

20 hereby amended to read as follows:

21 The county administrative officer shall be the director of the department of
22 executive services. The department shall include the records and licensing services
23 division, the finance and business operations division, the facilities management division,
24 the fleet services division, the airport division, the ((administrative)) office of risk
25 management services, the administrative office of emergency management, the
26 administrative office of the business resource center and the administrative office of civil
27 rights. In addition, the county administrative officer shall be responsible for providing
28 staff support for the board of ethics.

29 A. The duties of the records and licensing services division shall include the
30 following:

- 31 1. Issuing marriage, vehicle/vessel, taxicab and for-hire driver and vehicle and
32 pet licenses, collecting license fee revenues and providing licensing services for the
33 public;
- 34 2. Enforcing county and state laws relating to animal control;
- 35 3. Managing the recording, processing, filing, storing, retrieval and certification
36 of copies of all public documents filed with the division as required;
- 37 4. Processing all real estate tax affidavits; and
- 38 5. Acting as the official custodian of all county records, as required by general
39 law, except as otherwise provided by ordinance.

40 B. The duties of the finance and business operations division shall include the
41 following:

- 42 1. Monitoring revenue and expenditures for the county. The collection and

43 reporting of revenue and expenditure data shall provide sufficient information to the
44 executive and to the council. The division shall be ultimately responsible for maintaining
45 the county's official revenue and expenditure data;

46 2. Performing the functions of the county treasurer;

47 3. Billing and collecting real and personal property taxes, local improvement
48 district assessments and gambling taxes;

49 4. Processing transit revenue;

50 5. Receiving and investing all county and political subjurisdiction moneys;

51 6. Managing the issuance and payment of the county's debt instruments;

52 7. Managing the accounting systems and procedures;

53 8. Managing the fixed assets system and procedures;

54 9. Formulating and implementing financial policies for other than revenues and
55 expenditures for the county and other applicable agencies;

56 10. Administering the accounts payable and accounts receivable functions;

57 11. Collecting fines and monetary penalties imposed by district courts;

58 12. Developing and administering procedures for the procurement of and
59 awarding of contracts for tangible personal property, services, professional or technical
60 services and public work in accordance with K.C.C. chapter 2.93 and applicable federal
61 and state laws and regulations;

62 13. Establishing and administering procurement and contracting methods, and
63 bid and proposal processes, to obtain such procurements;

64 14. In consultation with the prosecuting attorney's office and office of risk
65 management services, developing and overseeing the use of standard procurement and

66 contract documents for such procurements;

67 15. Administering contracts for goods and services that are provided to more
68 than one department;

69 16. Providing comment and assistance to departments on the development of
70 specifications and scopes of work, in negotiations for such procurements, and in the
71 administration of contracts;

72 17. Assisting departments to perform cost or price analyses for the procurement
73 of tangible personal property, services and professional or technical services, and price
74 analysis for public work procurements;

75 18. Developing, maintaining and revising as may be necessary from time to
76 time the county's general terms and conditions for contracts for the procurement of
77 tangible personal property, services, professional or technical services and public work;

78 19. Managing the payroll system and procedures, including processing benefits
79 transactions in the payroll system and administering the employer responsibilities for the
80 retirement and the deferred compensation plans;

81 20. Managing and developing financial policies for borrowing of funds,
82 financial systems and other financial operations for the county and other applicable
83 agencies;

84 21. Managing the contracting opportunities program to increase opportunities
85 for small contractors and suppliers to participate on county-funded contracts. Submit an
86 annual report as required by K.C.C. 2.97.090;

87 22. Managing the apprenticeship program to optimize the number of apprentices
88 working on county construction projects. Submit an annual report as required by K.C.C.

89 12.16.175; and

90 23. Serving as the disadvantaged business enterprise liaison officer for federal
91 Department of Transportation and other federal grant program purposes. The
92 disadvantaged business enterprise liaison officer shall have direct, independent access to
93 the executive on disadvantaged business enterprise program matters consistent with 49
94 C.F.R. Sec. 26.25. For other matters, the disadvantaged business enterprise liaison
95 officer shall report to the manager of the finance and business operations division.

96 C. The duties of the facilities management division shall include the following:

97 1. Overseeing space planning for county agencies;

98 2. Administering and maintaining in good general condition the county's
99 buildings except for those managed and maintained by the department of natural
100 resources and parks and the Metro transit department as provided in K.C.C. chapter 4.56;

101 3. Operating security programs for county facilities except as otherwise
102 determined by the council;

103 4. Administering all county facility parking programs except for public
104 transportation facility parking;

105 5. Administering the supported employment program;

106 6. Managing all real property owned or leased by the county, except as provided
107 in K.C.C. chapter 4.56, ensuring, where applicable, that properties generate revenues
108 closely approximating fair market value;

109 7. Maintaining a current inventory of all county-owned or leased real property;

110 8. Functioning as the sole agent for the disposal of real properties deemed
111 surplus to the needs of the county;

112 9. In accordance with K.C.C. chapter 4A.100, providing support services to
113 county agencies in the acquisition of real properties, except as otherwise specified by
114 ordinance;

115 10. Issuing oversized vehicle permits, franchises and permits and easements for
116 the use of county property except franchises for cable television and telecommunications;

117 11. Overseeing the development of capital projects for all county agencies
118 except for specialized roads, solid waste, public transportation, airport, water pollution
119 abatement, surface water management projects and parks and recreation;

120 12. Being responsible for all general projects, such as office buildings or
121 warehouses, for any county department including, but not limited to, the following:

122 a. administering professional services and construction contracts;

123 b. acting as the county's representative during site master plan, design and
124 construction activities;

125 c. managing county funds and project budgets related to capital projects;

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

127 e. formulating guidelines for the development of operational and capital
128 project plans;

129 f. assisting user agencies in the development of capital projects and project
130 plans, as defined and provided for in K.C.C. chapter 4A.100;

131 g. formulating guidelines for the use of life cycle cost analysis and applying
132 these guidelines in all appropriate phases of the capital process;

133 h. ensuring the conformity of capital project plans with the adopted space plan
134 and agency business plans;

135 i. developing project cost estimates that are included in capital project plans,
136 site master plans, capital projects and biennial project budget requests;

137 j. providing advisory services, feasibility studies or both services and studies to
138 projects as required and for which there is budgetary authority;

139 k. coordinating with user agencies to assure user program requirements are
140 addressed through the capital development process as set forth in this chapter and in
141 K.C.C. chapter 4A.100;

142 l. providing engineering support on capital projects to user agencies as
143 requested and for which there is budgetary authority; and

144 m. providing assistance in developing the executive budget for capital projects;
145 and

146 13. Providing for the operation of a downtown winter shelter for homeless
147 persons between October 15 and April 30 each year.

148 D. The duties of the fleet services division shall include the following:

149 1. Acquiring, maintaining and managing the motor pool equipment rental and
150 revolving fund for fleet vehicles and equipment, the equipment rental and revolving fund
151 and the wastewater equipment rental and revolving fund. Metro transit department
152 vehicles determined by the Metro transit department director to be intricately involved in
153 or related to providing public transportation services shall not be part of the motor pool;

154 2. Establishing rates for the rental of equipment and vehicles;

155 3. Establishing terms and charges for the sale of any material or supplies that
156 have been purchased, maintained or manufactured with money from the motor pool and
157 equipment revolving fund, the equipment rental and revolving fund and the wastewater

158 equipment rental and revolving fund;

159 4. Managing fleet and equipment training programs, stores function and vehicle
160 repair facilities;

161 5. Administering the county alternative fuel program and take-home assignment
162 of county vehicles policy; and

163 6. Inventorying, monitoring losses and disposing of county personal property in
164 accordance with K.C.C. chapter 4.56.

165 E. The duties of the airport division shall include managing the maintenance and
166 operations of the King County international airport, and shall include the following:

167 1. Developing and implementing airport programs under state and federal law
168 including preparing policy recommendations and service models;

169 2. Managing and maintaining the airport system infrastructure;

170 3. Managing, or securing services from other divisions, departments or entities
171 to perform, the design, engineering and construction management functions related to the
172 airport capital program, including new facilities development and maintenance of
173 existing infrastructure; providing support services such as project management,
174 environmental review, permit and right-of-way acquisitions, schedule and project control
175 functions; and

176 4. Preparing and administering airport service and supporting capital facility
177 plans and periodic updates.

178 F. The duties of the ((administrative)) office of risk management services shall
179 include the management of the county's insurance and risk management programs
180 consistent with K.C.C. chapter 2.21.

181 G. The duties of the administrative office of emergency management shall
182 include the following:

183 1. Planning for and providing effective direction, control and coordinated
184 response to emergencies; and

185 2. Being responsible for the emergency management functions defined in
186 K.C.C. chapter 2.56.

187 H. The duties of the administrative office of civil rights shall include the
188 following:

189 1. Enforcing nondiscrimination ordinances as codified in K.C.C. chapters 12.17,
190 12.18, 12.20 and 12.22;

191 2. Assisting departments in complying with the federal Americans with
192 Disabilities Act of 1990, the federal Rehabilitation Act of 1973, Section 504, and other
193 legislation and rules regarding access to county programs, facilities and services for
194 people with disabilities;

195 3. Serving as the county Americans with Disabilities Act coordinator relating to
196 public access;

197 4. Providing staff support to the county civil rights commission;

198 5. Serving as the county federal Civil Rights Act Title VI coordinator; and

199 6. Coordinating county responses to federal Civil Rights Act Title VI issues and
200 investigating complaints filed under Title VI.

201 I. The duties of the administrative office of the business resource center shall
202 include the following:

203 1. The implementation and maintenance of those systems necessary to generate

204 a regular and predictable payroll through the finance and business operations division;

205 2. The implementation and maintenance of those systems necessary to provide
206 regular and predictable financial accounting and procedures through the finance and
207 business operations division;

208 3. The implementation and maintenance of those systems necessary to generate
209 regular and predictable county budgets, budget reports and budget management tools for
210 the county; and

211 4. The implementation and maintenance of the human resources systems of
212 record for all human resources data for county employment purposes.

213 SECTION 2. Ordinance 11984, Section 3, as amended, and K.C.C. 2.21.030 are
214 hereby amended to read as follows:

215 A. The office of risk management (~~((division))~~) services is established in K.C.C.
216 chapter 2.16. The manager of the office of risk management (~~((division))~~) services shall be
217 the risk manager, who shall report directly to the director of the department of executive
218 services.

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

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

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

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

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

237 6. The risk manager shall advise all county departments and other county
238 agencies regarding risk management and reduction of risk and exposure to loss, including
239 programs and precautions for safety to reduce hazards to the public that may exist in county
240 facilities and operations, and utilizing enterprise risk management in order to integrate risk
241 management processes countywide and proactively identify, analyze, respond to and
242 monitor risks and opportunities for risk-reduction. The risk manager shall cooperate with
243 the safety manager in areas in which, in the opinion of the risk manager, the safety of
244 employees and of the public requires coordinated programs. The risk manager shall also be
245 responsible for answering all insurance or funded self-insurance coverage questions. The
246 risk manager shall be responsible for the evaluation of current and future county or
247 departmental insurance coverage programs and have the authority to make
248 recommendations where such an action is in the best interests of the county.

249 7. The risk manager shall have the power, subject to budget authorization, to

250 contract for such outside assistance and perform such other acts as are necessary to carry
251 out the risk manager's responsibilities in an expeditious manner.

252 8. The risk manager is responsible for establishing reserve requirements for all
253 claims and lawsuits and recommending financing plans and budget actions to assure that
254 adequate resources are available to meet risk management financing requirements.

255 9. The risk manager is responsible for risk identification, control and reduction,
256 including authority to make recommendations to all county departments and agencies
257 regarding the safety of the public using county facilities or services.

258 C.1. The risk manager shall have the power to employ the services of claims
259 specialists or other persons who are necessary to process claims in an equitable and
260 expeditious manner.

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

263 3. The risk manager shall dispose of claims as authorized in K.C.C. 2.21.070.E.

264 4. The risk manager shall maintain complete histories of all claims and claims
265 litigation, insured or funded self-insurance, loss histories and investigations of claims.

266 The risk manager shall be responsible to ensure that complete files are maintained of all
267 claims asserted against the county and all incidents reported to the office of risk
268 management (~~(division)~~) services sufficient to document at least a five-year claims
269 history.

270 D.1. The risk manager shall report quarterly to the council on claims that have
271 been closed with an indemnity payment in the amount of one hundred thousand dollars or
272 more. The report shall identify the claimant; describe the claim; identify the amount of

273 the indemnity payment; identify if the payment was a result of a settlement, a judgment
274 or a payment to an insurance company or other party; and include any other information
275 the risk manager believes would be helpful to the council in understanding the nature of
276 the claim. The report shall take the form of a letter with an attached table that provides
277 the information required in this section. The quarterly report is due thirty days after the
278 end of each calendar quarter of the year.

279 2. The risk manager on or before March 31 of each year shall report to the
280 council on the performance of the risk management program, including but not limited to
281 the number of claim filings, amount of claim payments, insurance coverage and self-
282 insured retention. The annual report shall also include enterprise risk management results
283 for the previous year and plans for the current year, including, but not limited to,
284 enterprise risk management goals, priorities, agency actions and measurable results.

285 E. The reports required by this section shall be filed in the form of a paper
286 original and an electronic copy with the clerk of the council, who shall retain the original
287 and provide an electronic copy of the report to all councilmembers.

288 SECTION 3. Ordinance 3581, Section 6, as amended, and K.C.C. 2.21.050 are
289 hereby amended to read as follows:

290 A. This section is consistent with and implements RCW 36.27.020, which makes
291 the prosecuting attorney the legal advisor of the county.

292 B.1. Subject to the other provisions of this chapter, the county shall provide legal
293 representation and indemnification to protect county officers, employees, agents and their
294 marital communities from personal liability for alleged violations of civil or criminal law
295 resulting from or based upon alleged acts or omissions of the officers, employees or

296 agents. To have the benefit of the legal representation and indemnification, the county
297 officer, employee or agent must have performed or acted in good faith, with no
298 reasonable cause to believe the conduct was unlawful and within the scope of the county
299 officer's, employee's or agent's service to or employment with the county.

300 2. The civil division shall provide legal advice to the risk manager regarding the
301 disposition of all claims against the county.

302 3. The civil division shall keep the risk manager advised of the current status
303 and progress of all claims litigation.

304 4. The civil division shall direct any recommendations for settlement of claims
305 or lawsuits to the authority designated by K.C.C. 4.21.030 and 4.21.080 as having final
306 settlement authority. In recommending settlement of claims or lawsuits, the civil division
307 shall consult, in conjunction with the office of risk management (~~(office)~~) services, with
308 the department or other county agency most involved with the litigation or named as a
309 party to the lawsuit.

310 5. In reviewing contract language involving indemnification, releases, hold
311 harmless clauses or insurance matters, the civil division shall provide advice to the risk
312 manager.

313 6. The prosecuting attorney may contract with outside counsel for legal services
314 where appropriate.

315 7. The chief civil deputy of the civil division shall resolve any questions relating
316 to:

317 a. whether a county official, employee or agent acted in good faith with no
318 reasonable cause to believe the conduct was unlawful and within the scope of the county

319 officer, employee or agent's service to or employment with the county;

320 b. whether, for purposes of the issues raised by a particular claim or lawsuit, a
321 person is in fact a county official, employee or agent; or

322 c. whether or not a county officer, employee or agent performed or acted as
323 required to have the benefit of county legal representation and indemnification.

324 C. Any reasonable costs and expenses incurred in the provision of legal
325 representation and indemnification for criminal law allegations, driving infractions and
326 professional licensing matters shall be paid from the funds appropriated to the particular
327 county department or agency employing or retaining the affected county officer,
328 employee or agent. Any reasonable costs and expenses incurred in the provision of legal
329 representation and indemnification for tort claims and lawsuits shall be paid from
330 available insurance or funded self-insurance program.

331 SECTION 4. Ordinance 3581, Section 7, as amended, and K.C.C. 2.21.060 are
332 hereby amended to read as follows:

333 A. All county departments or agencies and the officers, employees and agents of
334 those departments and agencies shall cooperate fully and in good faith with the risk
335 manager and the civil division in the investigation and defense of claims and lawsuits.
336 When deemed necessary by the chief civil deputy or deputy prosecutor assigned to the
337 case, the assistance may include, but not be limited to, the providing of testimony and
338 exhibits for use in litigation. Any request for information by the office of risk
339 management services shall be considered a request by the civil division.

340 B. Except as specifically directed by the risk manager or the civil division, a
341 county department or agency, or a county official or speaking agent, or an employee or

342 agent represented by the civil division or by outside counsel at the county's expense

343 should not:

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

345 county; or

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

347 county.

348 C. Except as specifically directed by the risk manager or the civil division, a

349 county department or agency, or a county official or speaking agent, or an employee or

350 agent represented by the civil division or by outside legal counsel at the county's expense

351 should not:

352 1. Discuss with persons who are not county employees incidents that could

353 reasonably lead to claims or lawsuits against the county; or

354 2. Discuss with persons who are not county employees incidents that are the

355 subject of pending claims or lawsuits.

356 D. In the event of an accident, incident or occurrence causing bodily injury or

357 property damage involving county vehicles, property or personnel acting within the scope

358 of their employment, the knowledgeable county officers, employees and agents shall

359 provide notice to the office of risk management services as soon as practicable. The

360 notice shall include all reasonably obtainable information with respect to the time, place

361 and circumstances of the accident, incident or occurrence and the names and addresses of

362 all knowledgeable county personnel, injured or affected parties and available witnesses.

363 SECTION 5. Ordinance 3581, Section 8, as amended, and K.C.C. 2.21.070 are

364 hereby amended to read as follows:

365 A.1. All claims against the county for damages arising out of tortious conduct
366 shall be presented to and filed with the ~~((clerk of the council on))~~ risk manager by use of
367 the electronic claim filing system managed by the office of risk management services or a
368 claim form provided by the county or the state.

369 2. All such claims shall be verified by oath or affidavit and shall:

370 a. state the claimant's name, date of birth and contact information;

371 b. describe the conduct and circumstances that brought about the injury or
372 damage;

373 ~~((b.))~~ c. describe the injury or damage;

374 ~~((c.))~~ d. state the time and place the injury or damage occurred;

375 ~~((d.))~~ e. state the names of all persons involved, if known; and

376 ~~((e. contain))~~ f. state the amount of damages claimed, together with a

377 statement of the actual residence of the claimant at the time of presenting and filing the
378 claim and for a period of six months immediately before the time the claim arose.

379 3. If the claimant is incapacitated from verifying, presenting and filing the
380 claim, if the claimant is a minor or if the claimant is a nonresident of the state, the claim
381 may be verified, presented and filed on behalf of the claimant by any relative, attorney or
382 agent representing the claimant. With respect to the content of such claims, this section
383 shall be liberally construed so that substantial compliance will be deemed satisfactory.

384 B. An action shall not be commenced against the county for damages arising out
385 of tortious conduct until a claim has first been presented to and filed with the ~~((clerk of~~
386 ~~the council))~~ risk manager.

387 C. This section shall not affect the applicable period of limitations within which

388 an action must be commenced, but the period shall begin and shall continue to run as if
389 no claim were required.

390 D. ~~((The clerk of the council shall immediately transmit the original of the claim~~
391 ~~to the risk manager and notify the civil division of the transmittal.~~

392 E.))1. For all claims of one hundred thousand dollars or less, the risk manager
393 shall have the final payment authority and shall make final disposition by either granting
394 or denying the claim;

395 2. For all claims over ten thousand dollars, the risk manager shall seek the
396 advice of the civil division before final disposition.

397 3. For all claims above one hundred thousand dollars, the county executive shall
398 make final disposition after receiving advice from the civil division and the risk manager.

399 SECTION 6. Ordinance 3581, Section 9, as amended, and K.C.C. 2.21.080 are
400 hereby amended to read as follows:

401 A. Service of a summons and complaint shall be as provided in K.C.C. 2.04.010.
402 Any county official or employee who is served with a summons and complaint in a
403 lawsuit against the county or against any of its officials, employees or agents alleged to
404 be acting in their official capacities shall immediately deliver the summons and complaint
405 to the clerk of the council.

406 B. The clerk of the council, upon accepting service of the summons and
407 complaint shall immediately deliver the summons and complaint to the civil division.
408 The civil division shall docket the lawsuit and send a copy of the summons and complaint
409 to the office of risk management services.

410 C. The prosecuting attorney shall defend, or provide for the defense of, all

411 lawsuits against the county or any of its officials, employees or agents, acting in good
412 faith with no reasonable cause to believe the conduct was unlawful and within the scope
413 of the county officer, employee or agent's service to or employment with the county, as
414 long as the individuals discharge their obligations in K.C.C. 2.21.060.

415 D. Final authority for settlement of self-insured lawsuits shall be as follows:

416 1. The risk manager, acting with the advice of the civil division, may authorize
417 settlements of one hundred thousand dollars or less; and

418 2. The executive, acting with the advice of the civil division and the risk
419 manager, may authorize settlements of more than one hundred thousand dollars.

420 SECTION 7. Ordinance 12045, Section 20, as amended, and K.C.C. 4.56.035 are
421 hereby amended to read as follows:

422 County employees shall be held accountable and responsible for all of the various
423 personal property assigned to them during the course of their employment with the
424 county.

425 A. Written documentation, by employee, of all changes in assigned capitalized
426 items from the department or agency inventory reports will be recorded at the time of the
427 occurrence and kept in each county department or agency.

428 B. The fleet services division shall provide a report of losses to the county
429 council, county administrative officer and office of risk management services. The report
430 to the county council shall be transmitted with the biennial budget.

431 C. The fleet services division shall recommend to the department or agency
432 director or manager corrective action for all capitalized items lost or misplaced due to
433 employee negligence or misconduct.

434 D. If the director or manager determines an employee to be negligent in the care
435 of the property assigned to the employee or if a terminated employee fails to return
436 personal property assigned to the employee, then the county may pursue any remedy
437 available at law for recovery of loss of property. If a career service employee is
438 disciplined, that employee has the right to the full protection of the county disciplinary-
439 grievance process as established by applicable union bargaining agreements and the
440 county code provisions and administrative guidelines for the career service.

441 E. The fleet services division shall be the sole agency responsible for
442 inventorying and disposing of county personal property.

443 SECTION 8. Ordinance 17392, Section 1, as amended, and K.C.C. 7.08.110 are
444 hereby amended to read as follows:

445 A. For any improvement or construction on parks and recreation division
446 property with an anticipated private investment from a community partner group of less
447 than ten thousand dollars, including in-kind contributions and volunteer hours, the
448 division will execute a contractual agreement with the community partner group before
449 any construction of the improvement, by or on behalf of the community partner group,
450 commences.

451 B. For any improvement or construction on parks and recreation division
452 property with an anticipated private investment of between ten thousand dollars and
453 ninety-nine thousand nine hundred ninety-nine dollars from a community partner group,
454 including in-kind contributions and volunteer hours, the division shall notify the chair of
455 the council's transportation, economy and environment committee or its successor as well
456 as the councilmember in whose district the project is located. The notice shall be

457 provided at least thirty days before the division enters into any contractual agreement
458 with the community partner group relating to this improvement. The notice may be
459 provided electronically and shall include at least the following:

- 460 1. A description of the project;
- 461 2. The project location;
- 462 3. Key anticipated milestones; and
- 463 4. The anticipated public and private investment.
- 464 5. Verification that the community partner group has agreed to execute a
465 contractual agreement that includes indemnification provisions as set forth in subsection
466 D. of this section.

467 C. Any improvement or construction on parks and recreation division property
468 with an anticipated private investment of one hundred thousand dollars or more from a
469 community partner group, including in-kind contributions and volunteer hours, must be
470 approved by ordinance before the commencement by, or on behalf of the community
471 partner group, for the design or construction of the improvement. An ordinance
472 authorizing a use agreement or a detailed capital improvement program budget with
473 respect to any such a project constitutes authorization under this section, but only if the
474 use agreement or capital improvement program budget is approved before construction or
475 any contractual agreement regarding construction.

476 D. All contractual agreements shall include indemnification provisions that
477 ensure that community partners and their volunteers agree to indemnify and hold
478 harmless King County to the extent permitted under the law, for all claims, demands,
479 suits and judgments caused by and arising out of work performed by community partner

480 groups and their volunteers, including design and construction work. All contractual
481 agreements shall include insurance provisions in amounts and coverages approved by the
482 county's office of risk management (~~((division))~~) services. No construction or
483 improvement on parks and recreation division property can begin before a contractual
484 agreement is executed.

485 SECTION 9. Ordinance 13734, Section 12, and K.C.C. 14.45.100 are hereby
486 amended to read as follows:

487 A. For any right-of-way use agreement, the agreement holder must carry
488 commercial general liability, automobile liability and stop gap or employers liability
489 coverage, each in minimum limits of not less than one million dollars (\$1,000,000), in an
490 amount approved by the King County office of risk management services. All policies
491 must name King County as an additional named insured.

492 B. All policies shall be placed with insurers having a Bests' rating of no less than
493 A:VIII or, if not rated by Bests, with surpluses equivalent to or greater than Bests' A:VIII
494 rating. The agreement holder shall send copies of certificates, endorsements or other
495 adequate evidence of compliance with this section to the office so designated in the
496 application prior to the county's execution of the agreement.

497 SECTION 10. Ordinance 1159, Article III, Section 12, as amended, and K.C.C.
498 15.12.120 are hereby amended to read as follows:

499 A. A flying club must be organized as a nonprofit corporation under the laws of the
500 state of Washington or of the United States for the purpose of fostering flying for pleasure,
501 developing skills in aviation, and developing an awareness and appreciation of aviation
502 requirements and techniques to the general public.

503 B. Each club must furnish to the airport manager a current and correct copy of the
504 bylaws, articles of incorporation, operating rules and membership agreements.

505 C. A current certified roster of officers and directors and their addresses must be
506 filed annually with the airport manager.

507 D. The commercial use of B.F.I. by flying clubs is prohibited.

508 E. The flying club shall maintain a membership record containing the full names,
509 addresses and pilot license number and rating of all active members, together with the date
510 when their membership commenced. These records shall be certified by an officer of the
511 flying club and made available for inspection at any reasonable time upon request of and by
512 the airport manager or designee.

513 F. All flying clubs will submit to the airport manager upon the airport manager's
514 request a certified list of all instructors who are or have been instructing members of the
515 club and the names of each of the members who received said instruction and the dates and
516 time duration of such instruction within the six months preceding the request.

517 G. All flying clubs must obtain public liability and property damage insurance with
518 a hold harmless agreement in favor of B.F.I. and King County, its officers and employees.
519 King County's office of risk management services shall assess the insurance requirements
520 and provide a determination of liability and amount of insurance needed. Certificates of
521 insurance will be kept on file at all times with the airport manager. Thirty days' prior notice
522 of cancellation shall also be filed with the airport manager.

523 H. All aircraft owned, leased or used by the club must first be registered with the
524 airport manager. Club aircraft shall not be used for business or commercial activities.

525 SECTION 11. Ordinance 12808, Section 3, as amended, and K.C.C. 24.28.020

526 are hereby amended to read as follows:

527 A. The project-based credit enhancement program will add to the stock of
528 workforce housing aiding the poor and infirm of King County. The program is intended
529 to create an incentive to develop new types of housing, increased affordability for
530 residents, and realization of multiple growth management goals. Extension of credit
531 enhancements to housing developers to secure favorable financing terms for housing
532 projects should result in tangible benefits to the direct beneficiaries, who are poor and
533 infirm residents of the proposed housing, and other public benefits, as appropriate.

534 Project-based credit enhancements may be utilized for one or more of the following:

535 1. Enabling the development of needed housing that would not otherwise have
536 been built were the project-based credit enhancement unavailable;

537 2. Increasing the affordability of individual units that are targeted for lower
538 income households within workforce housing projects; and

539 3. Providing a payment to King County in lieu of additional project affordability
540 for the purpose of developing affordable housing at another location.

541 B. Eligible applicants may include public housing authorities, nonprofit
542 organizations, for-profit organizations, local governments, public agencies and public
543 development authorities.

544 C. Eligible beneficiaries must be the poor and infirm of King County. These
545 persons are commonly recognized as households earning eighty percent or less of the
546 county median income and persons or households with special needs.

547 D. Project-based credit enhancements are to be used to assist the development of
548 mixed-income projects that add to the stock of workforce housing units in King County,

549 including homeownership opportunities for eligible beneficiaries. Owned housing must
550 remain affordable for subsequent buyers who are eligible beneficiaries or upon resale to
551 an ineligible buyer the county shall recapture the subsidy provided by the credit
552 enhancement. Rental projects must guarantee long term affordability to eligible
553 beneficiaries. Eligible activities shall include new construction and acquisition and/or
554 rehabilitation of existing housing when the final product will yield additional workforce
555 housing units.

556 E. Projects assisted through the project-based credit enhancement program must
557 be located in urban centers or within close proximity to transit hubs or corridors. Projects
558 proposed to be sited elsewhere may be considered when there are unique opportunities to
559 aid eligible beneficiaries. These projects shall nevertheless demonstrate access to
560 employment, transportation and human services, and adequate infrastructure to support
561 housing development.

562 F. Applications for project-based credit enhancements should be accepted year
563 round to accommodate timely approval of final financial arrangements for projects.
564 Proposed projects must detail the financial benefit of the project-based credit
565 enhancement over the life of the project and how that benefit will be realized by eligible
566 beneficiaries residing in the project.

567 G. All projects shall undergo rigorous review for financial, legal and policy
568 compliance by staff from appropriate county agencies, including the housing,
569 homelessness and community development division, the finance and business operations
570 division and the office of the prosecuting attorney. When determined necessary by staff,
571 review by the county's economic development consultant and bond counsel, as well as

572 opinions from a bond rating service, shall be required. Project-based credit
573 enhancements shall be used to improve the credit worthiness of the housing developer,
574 but shall never be used as a sole source of credit worthiness of an applicant. Developers
575 and developer teams shall be competent, experienced and financially stable. Minimum
576 standards for developers and projects shall be established by the executive.

577 H. Projects shall conform with applicable county requirements for contracting
578 services.

579 I. All contingent loan agreements resulting in a project-based credit enhancement
580 for a project shall be structured to minimize the county's financial risk and shall ensure
581 the county's right to review all project records and direct corrective measures deemed
582 necessary to prevent financial instability, material or technical default. All agreements
583 shall be reviewed and approved by appropriate county agencies, including the housing,
584 homelessness and community development division, the finance and business operations
585 division, the office of the prosecuting attorney and the office of risk management
586 services, and shall be reviewed by the county's economic development consultant and
587 bond counsel, as appropriate.

588 J. Projects receiving project-based credit enhancements shall have the option to
589 make a payment in lieu of providing additional project affordability. The payment shall
590 be allocated to the housing and community development fund for the sole purpose of
591 funding development of affordable low-income housing.

592 K. Projects will vary in financial risk to the county. While financial risks are to
593 be minimized, the county may extend project-based credit enhancements where risks
594 exist, provided the county has adequate financial reserves to cover county credit

595 enhancement obligations.

596 L. The executive is authorized to collect an application fee between 0.2 and 0.4
597 percent of the amount of project debt that is credit-enhanced under the project-based
598 credit enhancement program. The application fee shall be payable at the time that a
599 contingent loan agreement is approved. The proceeds of the application fee shall be
600 deposited in the credit enhancement reserve account described in K.C.C. 24.28.030.A. In
601 establishing the level of the fee, the executive shall give primary consideration to the
602 costs incurred by the county for processing an application for a project-based credit
603 enhancement.

604 M. The executive is authorized to impose an annual monitoring fee between 0.05
605 and 0.10 percent of the amount of project debt that is credit enhanced under the project-
606 based credit enhancement program. The proceeds of the monitoring fee shall be

607 deposited in the housing and community development fund and used for program
608 administrative costs.
609

Ordinance 19015 was introduced on 8/21/2019 and passed by the Metropolitan King County Council on 11/20/2019, by the following vote:

Yes: 8 - Mr. von Reichbauer, Ms. Lambert, Mr. Dunn, Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles and Ms. Balducci
Excused: 1 - Mr. Gossett



KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Rod Dembowski, Chair

ATTEST: _____

Melani Pedroza, Clerk of the Council

APPROVED this 4 day of DECEMBER 2019

Dow Constantine, County Executive

Attachments: None

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CLERK
KING COUNTY COUNCIL