



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

August 21, 2018

Ordinance 18777

Proposed No. 2018-0313.2

Sponsors Balducci

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AN ORDINANCE relating to the establishment of the Metro transit department; amending Ordinance 14199, Section 11, as amended, and K.C.C. 2.16.035, Ordinance 1438, Section 3(c), as amended, and K.C.C. 2.16.060, Ordinance 11955, Section 12, as amended, and K.C.C. 2.16.100, Ordinance 11955, Section 11, as amended, and K.C.C. 2.16.140, Ordinance 17936, Section 1, and K.C.C. 2.20.039, Ordinance 13629, Section 1, as amended, and K.C.C. 2.51.010, Ordinance 2165, Section 2, as amended, and K.C.C. 2.98.020, Ordinance 11431, Section 7, as amended, and K.C.C. 2.124.010, Ordinance 13623, Section 1, as amended, and K.C.C. 2A.310.050, Ordinance 18432, Section 5, as amended, and K.C.C. 2A.380.050, Ordinance 12014, Section 34, as amended, and K.C.C. 3.12.123, Ordinance 12014, Section 36, as amended, and K.C.C. 3.12.188, Ordinance 12045, Section 4, as amended, and K.C.C. 4.56.060, Ordinance 12045, Section 10, as amended, and K.C.C. 4.56.100, Ordinance 12192, Section 1, as amended, and K.C.C. 4.56.195, Ordinance 17390,

20 Section 1, as amended, and K.C.C. 4.56.300, Ordinance
21 17935, Section 8, and K.C.C. 4A.200.418, Ordinance
22 15973, Section 81, as amended, and K.C.C. 4A.200.420,
23 Ordinance 17527, Section 83, as amended, and K.C.C.
24 4A.200.530, Ordinance 17527, Section 82, as amended,
25 and K.C.C. 4A.200.540, Ordinance 18320, Section 2, and
26 K.C.C. 4A.200.737, Ordinance 17527, Section 84, as
27 amended, and K.C.C. 4A.200.740, Ordinance 18320,
28 Section 3, and K.C.C. 4A.200.741, Ordinance 18398,
29 Section 8, and K.C.C. 4A.601.025, Ordinance 17757,
30 Section 5, and K.C.C. 4A.700.490, Ordinance 17096,
31 Section 3, as amended, and K.C.C. 4A.700.700; Ordinance
32 17422, Section 3, as amended, and K.C.C. 4A.700.750;
33 Ordinance 16943, Section 4, and K.C.C. 4A.700.800,
34 Ordinance 7590, Section 7, as amended, and K.C.C.
35 9.08.060, Ordinance 1709, Section 6, as amended, and
36 K.C.C. 13.24.080, Ordinance 16147, Section 2, as
37 amended, and K.C.C. 18.17.010, Ordinance 16147, Section
38 3, as amended, and K.C.C. 18.17.020, Ordinance 4461,
39 Section 2, as amended, and K.C.C. 20.22.040, Ordinance
40 18709, Section 4, and K.C.C. 20.22.195, Ordinance 17971,
41 Section 2, and K.C.C. 28.30.010, Ordinance 17971, Section
42 4, as amended, and K.C.C. 28.30.030, Ordinance 11962,

43 Section 2, and K.C.C. 28.91.020, Ordinance 11033, Section
44 3 (part), and K.C.C. 28.92.010, Ordinance 13441, Section
45 2, and K.C.C. 28.94.035, Ordinance 14095, Section 3, and
46 K.C.C. 28.94.280, Ordinance 16770, Section 4, as
47 amended, and K.C.C. 28.96.220, Ordinance 11950, Section
48 18 (part), as amended, and K.C.C. 28.96.430, Ordinance
49 10733, Section 1, as amended, and K.C.C. 28.101.010,
50 Ordinance 10733, Section 2, as amended, and K.C.C.
51 28.101.030 and Ordinance 10733, Section 10, as amended,
52 and K.C.C. 28.101.100, adding a new section to K.C.C.
53 chapter 2.16, and repealing Ordinance 11950, Section 9,
54 and K.C.C. 28.92.180.

55 STATEMENT OF FACTS:

- 56 1. In September 1999, the King County auditor published a Transit
57 Management Audit, a principal recommendation of which included
58 making transit a separate department.
- 59 2. On March 16, 2015, the King County council adopted Ordinance
60 18001, requesting the executive to detail the costs, financial and county
61 code changes, operational issues and a timeline of council decisions
62 necessary to transition the transit division from a subordinate division
63 within the department of transportation to an executive department
64 responsible for the operating and capital investments necessary to deliver
65 King County's metropolitan public transportation function.

66 3. On September 18, 2017, the executive directed the director of the
67 department of transportation and the director of the transit division to
68 begin working with the council on the process to transform King County
69 Metro into a separate department within King County, with a focus on
70 mobility, capital program, employee investment and partnerships

71 4. On December 11, 2017, the council passed Motion 15026 providing
72 guidance on the establishment of the Metro transit department. The
73 motion requested that the executive form a transition team to establish the
74 Metro transit department by January 1, 2019.

75 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

76 SECTION 1. Ordinance 14199, Section 11, as amended, and K.C.C. 2.16.035 are
77 each hereby amended to read as follows:

78 The county administrative officer shall be the director of the department of
79 executive services. The department shall include the records and licensing services
80 division, the finance and business operations division, the human resources management
81 division, the facilities management division, the administrative office of risk
82 management, the administrative office of emergency management, the administrative
83 office of the business resource center and the administrative office of civil rights. In
84 addition, the county administrative officer shall be responsible for providing staff support
85 for the board of ethics.

86 A. The duties of the records and licensing services division shall include the
87 following:

88 1. Issuing marriage, vehicle/vessel, taxicab and for-hire driver and vehicle and

89 pet licenses, collecting license fee revenues and providing licensing services for the
90 public;

91 2. Enforcing county and state laws relating to animal control;

92 3. Managing the recording, processing, filing, storing, retrieval and certification
93 of copies of all public documents filed with the division as required;

94 4. Processing all real estate tax affidavits; and

95 5. Acting as the official custodian of all county records, as required by general
96 law, except as otherwise provided by ordinance.

97 B. The duties of the finance and business operations division shall include the
98 following:

99 1. Monitoring revenue and expenditures for the county. The collection and
100 reporting of revenue and expenditure data shall provide sufficient information to the
101 executive and to the council. The division shall be ultimately responsible for maintaining
102 the county's official revenue and expenditure data;

103 2. Performing the functions of the county treasurer;

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

106 4. Processing transit revenue;

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

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

109 7. Managing the accounting systems and procedures;

110 8. Managing the fixed assets system and procedures;

111 9. Formulating and implementing financial policies for other than revenues and

- 112 expenditures for the county and other applicable agencies;
- 113 10. Administering the accounts payable and accounts receivable functions;
- 114 11. Collecting fines and monetary penalties imposed by district courts;
- 115 12. Developing and administering procedures for the procurement of and
- 116 awarding of contracts for tangible personal property, services, professional or technical
- 117 services and public work in accordance with K.C.C. chapter 2.93 and applicable federal
- 118 and state laws and regulations;
- 119 13. Establishing and administering procurement and contracting methods, and
- 120 bid and proposal processes, to obtain such procurements;
- 121 14. In consultation with the prosecuting attorney's office and office of risk
- 122 management, developing and overseeing the use of standard procurement and contract
- 123 documents for such procurements;
- 124 15. Administering contracts for goods and services that are provided to more
- 125 than one department;
- 126 16. Providing comment and assistance to departments on the development of
- 127 specifications and scopes of work, in negotiations for such procurements, and in the
- 128 administration of contracts;
- 129 17. Assisting departments to perform cost or price analyses for the procurement
- 130 of tangible personal property, services and professional or technical services, and price
- 131 analysis for public work procurements;
- 132 18. Developing, maintaining and revising as may be necessary from time to
- 133 time the county's general terms and conditions for contracts for the procurement of
- 134 tangible personal property, services, professional or technical services and public work;

135 19. Managing the payroll system and procedures, including processing benefits
136 transactions in the payroll system and administering the employer responsibilities for the
137 retirement and the deferred compensation plans;

138 20. Managing and developing financial policies for borrowing of funds,
139 financial systems and other financial operations for the county and other applicable
140 agencies.

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

144 22. Managing the apprenticeship program to optimize the number of apprentices
145 working on county construction projects. Submit an annual report as required by K.C.C.
146 12.16.175; and

147 23. Serving as the disadvantaged business enterprise liaison officer for federal
148 Department of Transportation and other federal grant program purposes. The
149 disadvantaged business enterprise liaison officer shall have direct, independent access to
150 the executive on disadvantaged business enterprise program matters consistent with 49
151 C.F.R. Sec. 26.25. For other matters, the disadvantaged business enterprise liaison
152 officer shall report to the director of the finance and business operations division.

153 C. The duties of the human resources management division shall include the
154 following:

155 1. Developing and administering training and organizational development
156 programs, including centralized employee and supervisory training and other employee
157 development programs;

- 158 2. Developing proposed and administering adopted policies and procedures for:
- 159 a. employment, including recruitment, examination and selection;
- 160 b. classification and compensation; and
- 161 c. salary administration;
- 162 3. Developing proposed and administering adopted human resources policy;
- 163 4. Providing technical and human resources information services support;
- 164 5. Developing and managing insured and noninsured benefits programs,
- 165 including proposing policy recommendations, negotiating benefits plan designs with
- 166 unions, preparing legally mandated communications materials and providing employee
- 167 assistance and other work and family programs;
- 168 6. Developing and administering diversity management and employee relations
- 169 programs, including affirmative action plan development and administration,
- 170 management and supervisory diversity training and conflict resolution training;
- 171 7. Developing and administering workplace safety programs, including
- 172 inspection of work sites and dissemination of safety information to employees to promote
- 173 workplace safety;
- 174 8. Administering the county's self-funded industrial insurance/worker's
- 175 compensation program, as authorized by Title 51 RCW;
- 176 9. Advising the executive and council on overall county employee policies;
- 177 10. Providing labor relations training for county agencies, the executive, the
- 178 council and others, in collaboration with the office of labor relations;
- 179 11. Overseeing the county's unemployment compensation program;
- 180 12. Collecting and reporting to the office of management and budget on a

181 quarterly basis information on the numbers of filled and vacant full-time equivalent and
182 term-limited temporary positions and the number of emergency employees for each
183 appropriation unit; and

184 13. Providing a quarterly report to the council showing vacant positions by
185 department. The report must indicate whether a term-limited temporary employee is
186 backfilling the position, the salary and benefits associated with a position and how long
187 the position has been vacant. The report is due thirty days after the end of each calendar
188 quarter and shall be filed in the form of a paper original and an electronic copy with the
189 clerk of the council, who shall retain the original and provide an electronic copy to all
190 councilmembers, the council chief of staff and the lead staff to the budget and fiscal
191 management committee or its successor.

192 D. The duties of the facilities management division shall include the following:

193 1. Overseeing space planning for county agencies;
194 2. Administering and maintaining in good general condition the county's
195 buildings except for those managed and maintained by the department((s)) of natural
196 resources and parks and ((transportation)) the Metro transit department as provided in
197 K.C.C. chapter 4.56;

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

200 4. Administering all county facility parking programs except for public
201 transportation facility parking;

202 5. Administering the supported employment program;

203 6. Managing all real property owned or leased by the county, except as provided

204 in K.C.C. chapter 4.56, ensuring, where applicable, that properties generate revenues
205 closely approximating fair market value;

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

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

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

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

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

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

219 a. administering professional services and construction contracts;

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

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

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

224 e. formulating guidelines for the development of operational and capital
225 project plans;

226 f. assisting user agencies in the development of capital projects and project

227 plans, as defined and provided for in K.C.C. chapter 4A.100;

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

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

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

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

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

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

241 m. providing assistance in developing the executive budget for capital projects;
242 and

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

245 E. The duties of the administrative office of risk management shall include the
246 management of the county's insurance and risk management programs consistent with
247 K.C.C. chapter 2.21.

248 F. The duties of the administrative office of emergency management shall
249 include the following:

250 1. Planning for and providing effective direction, control and coordinated
251 response to emergencies; and

252 2. Being responsible for the emergency management functions defined in
253 K.C.C. chapter 2.56.

254 G. The duties of the administrative office of civil rights shall include the
255 following:

256 1. Enforcing nondiscrimination ordinances as codified in K.C.C. chapters 12.17,
257 12.18, 12.20 and 12.22;

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

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

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

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

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

268 H. The duties of the administrative office of the business resource center shall
269 include the following:

270 1. The implementation and maintenance of those systems necessary to generate
271 a regular and predictable payroll through the finance and business operations division;

272 2. The implementation and maintenance of those systems necessary to provide

273 regular and predictable financial accounting and procedures through the finance and
274 business operations division;

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

278 4 . The implementation and maintenance of the human resources systems of
279 record for all human resources data for county employment purposes.

280 SECTION 2. Ordinance 1438, Section 3(c), as amended, and K.C.C. 2.16.060 are
281 each hereby amended to read as follows:

282 A. The department of public safety, as identified in the Section 350.20.40 of the
283 King County Charter, and managed by the King County sheriff, may also be known and
284 cited in the King County Code and in other usage as the office of the sheriff. Employees
285 managed by the King County sheriff may be referred to in the King County Code or
286 otherwise, as King County police, King County officer or deputy sheriff.

287 B. The department of public safety is responsible to keep and preserve the public
288 peace and safety including the discharge of all duties of the office of sheriff under state
289 law, except those duties relating to jails and inmates which are performed by other
290 departments of county government. The functions of the department include:

291 1. Oversee a crime prevention program, investigate crimes against persons and
292 property and arrest alleged offenders;

293 2. Execute the processes and orders of the courts of justice and all other
294 mandated functions required by law;

295 3. In coordination with the office of emergency management, plan and

296 coordinate resources for the public safety and welfare in the event of a major emergency
297 or disaster;

298 4. Provide service and administrative functions which support but do not
299 duplicate other governmental activities, and which have the potential to be fiscally self-
300 supportive;

301 5. Investigate the origin, cause, circumstances and extent of loss of all fires, in
302 accordance with RCW 43.44.050. Fire investigations shall be conducted under the
303 direction of the fire investigation supervisor, who shall also be considered an assistant
304 fire marshal for the purposes of chapter 43.44 RCW. The functions of the fire and arson
305 investigation unit include, but are not limited to: investigation and determination of the
306 origin and cause of fires; preparation of detailed informational, investigative and
307 statistical reports; conducting criminal follow-up investigations, including detection,
308 apprehension and prosecution of arson suspects; providing expert testimony in court for
309 criminal and civil cases; maintenance of records of fires; preparation and submission of
310 annual reports to the county sheriff and other entities as required by chapters 43.44 and
311 48.50 RCW; and

312 6. Consistent with the office of law enforcement oversight carrying out its
313 authorities as identified in Section 365 King County Charter and K.C.C. chapter 2.75:

314 a. provide the office of law enforcement oversight all relevant information in a
315 timely manner, including:

316 (1) access to all relevant employees, facilities, systems, documents, files,
317 records, data, interviews, hearings, boards, trainings and meetings;

318 (2) access to crime scenes and related follow-up administrative

319 investigations, in a manner so as to protect the integrity of the scene; and

320 (3) notifications regarding the current status of all complaints consistent with
321 K.C.C. 2.75.050.C.;

322 b. provide the oversight office with a reasonable opportunity to comment on all
323 administrative investigations before notifying the subject employee of the findings;

324 c. provide the oversight office with a reasonable opportunity to comment on all
325 sheriff's office policies, rules, procedures or general orders; and

326 d. annually, in collaboration with the office of law enforcement oversight,
327 establish or update, as needed, pilot projects and sheriff's office policies and procedures
328 related to implementation of the authorities of K.C.C. chapter 2.75, including such things
329 as timelines and processes for achieving K.C.C. 2.16.060.B.6.a., b., c. and d., and records
330 management and controls.

331 C. The sheriff, to carry out the duties under subsection B. of this section, may
332 establish the functions for the following divisions:

333 1. Office of the sheriff;

334 2. Patrol operations division;

335 3. Support services division;

336 4. Criminal investigation division;

337 5. Professional standards division;

338 6. Sound Transit division, which provides services to the Central Puget Sound
339 Regional Transit Authority; and

340 7. Metro ((F))transit division, which provides services to the ((King County))

341 Metro transit department ((of transportation, transit division)).

342 SECTION 3. Ordinance 11955, Section 12, as amended, and K.C.C. 2.16.100 are
343 each hereby amended to read as follows:

344 A. Exemptions from the requirements of the career service personnel system shall
345 be consistent with the provisions of Sections 550, 350.10 and 350.20 of the King County
346 Charter. Key subordinate units, as determined by the county council, and departmental
347 divisions shall be considered to be executive departments. Divisions of administrative
348 offices shall be considered to be administrative offices for the purpose of determining the
349 applicability of the charter provisions.

350 B. The county administrative officer, directors, chief officers and supervisors of
351 departments, administrative offices, divisions, key subordinate units and other units of
352 county government as required by law shall be exempt from the requirements and
353 provisions of the career service personnel system.

354 C.1. The following are determined by the council to be key subordinate units due
355 to the nature of the programs involved and their public policy implications and
356 appointments to these positions shall be subject to confirmation by the council:

- 357 a. the chief information officer of the administrative office of information
358 resource management;
- 359 b. the deputy director of the department of elections;
- 360 c. the manager of the records and licensing services division; and
- 361 d. ~~((the director of the transit division; and~~
- 362 e.)) the director of the road services division.

363 2. When an ordinance is enacted designating a position as a key subordinate unit,
364 no person then serving in the position shall continue to serve for more than ninety days

365 after such enactment, unless reappointed by the executive and confirmed by the council.

366 D. If an administrative assistant or a confidential secretary, or both, for each
367 director, chief officer of an administrative office and supervisor of a key subordinate unit
368 are authorized, those positions are exempt from the requirements and provisions of the
369 career service personnel system.

370 SECTION 4. Ordinance 11955, Section 11, as amended, and K.C.C. 2.16.140 are
371 each hereby amended to read as follows:

372 A. The department of transportation is responsible to manage and be fiscally
373 accountable for the road services division, ~~((transit division,))~~ fleet administration
374 division~~((;))~~ and airport division ~~((and marine division. The department shall perform the
375 metropolitan public transportation function as authorized in chapter 35.58 RCW, K.C.C.
376 Title 28 and other applicable laws, regulations and ordinances; provided, that financial
377 planning for and administration of the public transportation function shall be conducted
378 consistent with financial policies as may be adopted by the council))~~. The department
379 shall administer the county roads function as authorized in applicable sections of Titles
380 36 and 47 RCW and other laws, regulations and ordinances as may apply. ~~((The
381 department shall administer the passenger ferry service function as authorized in chapter
382 36.54 RCW, K.C.C. chapter 2.120 and other applicable laws, regulations and
383 ordinances.))~~ The department's functions include, but are not limited to, the activities set
384 forth in subsections B. through ~~((F.))~~ D. of this section for each division, administration
385 of grants and the coordination of transportation planning activities with other county
386 agencies and outside entities to integrate transportation planning and land use planning.

387 B. The road services division is responsible to design, construct, maintain and

388 operate a comprehensive system of roadways and other transportation facilities and
389 services to support a variety of transportation modes for the safe and efficient movement
390 of people and goods and delivery of services. The duties of the division shall include the
391 following:

392 1. Designing, constructing and maintaining county roads, bridges and associated
393 drainage facilities;

394 2. Designing, installing and maintaining county traffic signs, markings and
395 signals;

396 3. Designing, installing and maintaining bicycle and pedestrian facilities;

397 4. Managing intergovernmental contracts or agreements for services related to
398 road maintenance and construction and to other transportation programs supporting the
399 transportation plan;

400 5. Inspecting utilities during construction and upon completion for compliance
401 with standards and specifications; assuring that public facilities disturbed due to
402 construction are restored;

403 6. Performing detailed project development of roads capital improvement
404 projects that are consistent with the transportation element of the county's Comprehensive
405 Plan, and coordinating such programming with other county departments and divisions
406 assigned responsibilities for Comprehensive Plan implementation;

407 7. Incorporating into the roads capital improvement program those projects
408 identified in the transportation needs report, community plans, related functional plans
409 and elsewhere consistent with the county's Comprehensive Plan;

410 8. Preparing, maintaining and administering the county road standards;

411 9. Preparing and administering multi-year roads maintenance and capital
412 construction plans and periodic updates;

413 10. Administering the transportation concurrency and mitigation payment
414 programs; and

415 11.a. Performing the duties of the office of the county road engineer, which is
416 hereby established as an administrative office of the road services division. The office of
417 the county road engineer shall be an office of record, supervised by the county road
418 engineer hired in accordance with RCW 36.80.010 and reporting to the division director
419 of the road services division. The office of the county road engineer shall be located
420 within the corporate limits of the county seat.

421 b. The county road engineer shall carry out all duties assigned to the county
422 road engineer as prescribed by state statute, except as modified by the county executive
423 as authorized in subsection B.11.c. of this section.

424 c. The county executive may assign professional engineering duties of the
425 county road engineer to someone other than the county road engineer, except as
426 otherwise assigned by King County Code, and only if the individual assigned those duties
427 shall be qualified as required under RCW 36.80.020. The executive shall provide to the
428 county council and the Washington State County Road Administration Board, in writing,
429 those specific professional engineering duties not assigned to the county road engineer,
430 the name and position of each person responsible for carrying out those assigned duties,
431 the specific reporting and working relationships with the county road engineer and the
432 duration for which those duties have been assigned.

433 C.((1. The transit division is responsible for the operation and maintenance of a

434 comprehensive system of public transportation services in King County. The duties of
435 the division shall include the following:

436 a. providing all necessary customer services including telephone and other
437 customer information and support systems; managing sales and distribution of fare
438 media, research, market strategies and marketing functions;

439 b. implementing programs, policies and strategies for the public transit in King
440 County; developing and scheduling new products and service and managing contract
441 services;

442 c. developing and implementing transportation programs under the Americans
443 with Disabilities Act of 1990 (ADA) including preparing policy recommendations and
444 service models and contracting for the delivery of service;

445 d. delivering and managing transit service in the county including service
446 quality and service communication functions;

447 e. managing and maintaining the transit system infrastructure, including trolley
448 power distribution and overhead systems, bases, customer facilities, and the radio
449 communication and data system;

450 f. maintaining transit rolling stock including all revenue vehicle fleets and
451 those vehicles required to support the operation of the transit system, except such
452 vehicles as may be included in the motor pool; managing a central stores function, unit
453 repair facilities and all purchasing activities relative to the procurement of the revenue
454 vehicle fleet;

455 g. managing the design, engineering and construction management functions
456 related to the transit capital program including new facilities development and

457 ~~maintenance of existing infrastructure; providing support services such as project~~
458 ~~management, environmental review, permit and right-of-way acquisitions, schedule and~~
459 ~~project control functions;~~

460 ~~h. managing rideshare operations functions including vanpool, carpool, and~~
461 ~~regional ride matching programs; and~~

462 ~~i. preparing and administering public transportation service and supporting~~
463 ~~capital facility plans and periodic updates.~~

464 ~~2. The council may assign responsibility for services ancillary to and in support~~
465 ~~of the operation and maintenance of the metropolitan public transportation system under~~
466 ~~chapter 35.58 RCW, including, but not limited to, human resources, accounting,~~
467 ~~budgeting, finance, engineering, fleet administration, maintenance, laboratory,~~
468 ~~monitoring, inspection and planning, as it determines appropriate.))~~

469 ~~D.))~~ The duties of the fleet administration division shall include the following:

470 1. Acquiring, maintaining and managing the motor pool and equipment
471 revolving fund for fleet vehicles and equipment including, but not limited to, vehicles for
472 the department of natural resources and parks, facilities management division, and
473 transportation nonrevenue vehicles. ~~((Transportation))~~ Metro transit department vehicles
474 determined by the director to be intricately involved in or related to providing public
475 transportation services shall not be part of the motor pool;

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

477 3. Establishing terms and charges for the sale of any material or supplies which
478 have been purchased, maintained or manufactured with money from the equipment
479 revolving fund;

480 4. Managing training programs, stores function and vehicle repair facilities;

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

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

485 ~~((E.))~~ D. The airport division is responsible for managing the maintenance and
486 operations of the King County international airport. The duties of the division shall
487 include the following:

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

490 2. Managing and maintaining the airport system infrastructure;

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

496 4. Preparing and administering airport service and supporting capital facility
497 plans and periodic updates.

498 ~~((F. The marine division is responsible for the administration, maintenance and
499 operation of passenger ferry service in King County. The duties of the division shall
500 include the following:~~

501 ~~1. Managing, acquiring, constructing and maintaining King County's marine
502 transportation system infrastructure;~~

503 ~~2. Managing, or securing services from other divisions, departments or entities,~~
504 ~~to perform the design, engineering and construction management functions related to the~~
505 ~~passenger ferry capital program including vessel procurement, new facilities development~~
506 ~~and maintenance of existing infrastructure;~~

507 ~~3. Providing general administration of the passenger ferry service, such as~~
508 ~~project management, grants management, procurement, labor negotiations, environmental~~
509 ~~review, permit and real property acquisitions and managing contract services; and~~

510 ~~4. Planning, implementing, administering and operating passenger ferry service~~
511 ~~in King County that is integrated with and subject to the methodology of the King County~~
512 ~~Metro Service Guidelines, used to design and modify transit services.))~~

513 NEW SECTION. SECTION 5. There is hereby added to K.C.C. chapter 2.16 a
514 new section to read as follows:

515 A. The Metro transit department is responsible and fiscally accountable for
516 developing, delivering, integrating and maintaining, and reducing historic disparities
517 through, the county's public transportation and passenger ferry services for, and in
518 partnership with, the people and communities of King County.

519 B. The department shall perform the metropolitan public transportation function
520 as authorized in Title 35 and the King County Code, as well as perform public
521 transportation functions as set forth in Title 47 RCW and other applicable laws,
522 regulations and ordinances. The department shall also administer the passenger ferry
523 service function as authorized in 36.54 RCW and the King County Code, as well as other
524 applicable laws, regulations and ordinances. The department's functions shall also
525 include the administration of grants and the coordination of transportation planning

526 activities with other county agencies and outside entities to integrate transportation and
527 land use planning.

528 C. The Metro transit department shall be comprised of the following divisions
529 and functions:

530 1. The bus operations division, the functions of which include delivering fixed
531 route bus services;

532 2. The capital division, the functions of which include planning and delivering
533 the Metro transit fleet, information technology and fixed assets capital program
534 portfolios;

535 3. The employee services division, the functions of which include delivering,
536 supporting and developing the department's workforce;

537 4. The finance and administration division, the functions of which include
538 supporting the delivery of the Metro transit system through financial, transit technology,
539 accountability and administrative services;

540 5. The marine division, the functions of which include delivering passenger-
541 only ferry services;

542 6. The mobility division, the functions of which include planning and delivering
543 the department's mobility programs and services such as planning for fixed-route transit
544 services; planning and organizing supplemental, paratransit, vanpool, dial-a-ride transit
545 (DART) and other types of transit services; partnering with regional transportation
546 providers; and providing outreach to and support for transit customers;

547 7. The rail division, the functions of which include delivering light rail and
548 street car services;

549 8. The transit facilities division, the functions of which include managing and
550 maintaining Metro transit facilities; and

551 9. The vehicle maintenance division, the functions of which include managing
552 and maintaining the department's fleets.

553 D. The director of the Metro transit department may also be referred to as the
554 department's general manager.

555 SECTION 6. Ordinance 17936, Section 1, and K.C.C. 2.20.039 are each hereby
556 amended to read as follows:

557 A. The county auditor shall establish an ongoing transit audit function, in order to
558 conduct performance and financial audits consistent with government audit standards and
559 as described in K.C.C. 2.20.035, of the county's transit services program within the Metro
560 transit department (~~(of transportation)~~) and commonly referred to as the Metro transit
561 system.

562 B.1. In addition to or as part of the regular audits required in subsection A. of this
563 section, the auditor shall conduct a review and assessment of the Metro transit system
564 performance, system allocation and financial reports for:

565 a. compliance with transit policies, including but not limited to the Strategic Plan
566 for Public Transportation 2011-2021, the King County Metro Service Guidelines and
567 Public Transportation Fund Management policies, or their successor adopted documents;
568 and

569 b. comparison to peer transit agencies.

570 2. For any assessment performed under this subsection, the auditor shall file the
571 assessment in the form of a paper original and electronic copy with the clerk of the council,

572 who shall retain the original and provide an electronic copy to all councilmembers, the
573 council's chief of staff and policy staff director and the lead staff for the government
574 accountability and oversight and transportation, economy and environment committees or
575 their successors. The auditor shall post a copy of the assessment on the Internet within five
576 days of transmitting it to the council.

577 C. The auditor shall identify the elements of subsections A. and B. of this section
578 to be performed in the audit work program described in K.C.C. 2.20.045.

579 D. By July 1 of each even-numbered year, the auditor shall file a report
580 summarizing the results of work completed in the last twenty-four months in relation to
581 subsections A. and B. of this section, and report on whether and what actions the county
582 took responsive to findings in transit audits and assessments completed in the previous
583 three years. The auditor shall file the report in the form of an original and electronic copy
584 with the clerk of the council, who shall retain the original and provide an electronic copy to
585 all councilmembers, the council's chief of staff and policy staff director and the lead staff
586 for the government accountability and oversight and transportation, economy and
587 environment committees or their successors. The auditor shall post a copy of the report on
588 the Internet within five days of transmitting it to the council.

589 E. To accomplish the purposes of this section, the auditor shall utilize qualified
590 personnel with expertise in public transportation and as necessary, retain independent
591 consulting services with appropriate expertise.

592 F. Following filing of the second biennial report, the council shall, in consultation
593 with the auditor, assess the benefits and costs of the transit audit function for the purpose of
594 evaluating whether to retain it in its current form, modify it or repeal it.

595 SECTION 7. Ordinance 13629, Section 1, as amended, and K.C.C. 2.51.010 are
596 each hereby amended to read as follows:

597 A. The framework policies for human services, dated April 2, 2007, and contained
598 in Attachment A to Ordinance 15887 are adopted to establish priorities and guide the future
599 development of county human service programs. These priorities link directly to key
600 policy and practice areas in human services, such as criminal justice system alternatives,
601 ending homelessness, the service improvement plan for the veterans and human services
602 levy and other regional plans and initiatives.

603 B. The department of community and human services shall have lead responsibility
604 for implementing the framework policies for human services. The department shall work
605 in cooperation with other county departments and offices also providing services to the
606 priority populations, including, but not limited to, public health, adult and juvenile
607 detention, natural resources and parks, superior court and ((~~transportation~~)) Metro transit.
608 The department shall continue to provide opportunities throughout planning processes for
609 participation by other regional funding organizations that also provide services to the
610 county's priority populations, in order to better plan for and coordinate human services
611 across the region.

612 SECTION 8. Ordinance 2165, Section 2, as amended, and K.C.C. 2.98.020 are
613 each hereby amended to read as follows:

614 For the purpose of this chapter:

615 A. "Department" means executive departments and administrative offices, the
616 sheriff's office, the department of assessments, the department of judicial administration,
617 the department of elections, county boards, commissions, committees and other

618 multimember bodies. However, "department" does not include the legislative branch and
619 all offices established under Article 2 of the King County Charter, the hearing examiner,
620 the board of appeals, the personnel board, the board of health, superior courts, district
621 courts and the prosecuting attorney's office.

622 B. "Penalty" means a punishment established by ordinance or other law imposed as
623 a consequence of failing to abide by or comply with the law, ordinance or a rule adopted
624 under ordinance or other law.

625 C.1. "Rule" means any department order, directive or regulation of general
626 applicability:

627 a. the violation of which subjects a person outside county employment to a
628 penalty;

629 b. that subjects a person outside of county employment to the payment of a fee;

630 c. that establishes, alters or revokes any procedure, practice or requirement
631 relating to a department hearing; or

632 d. that establishes, alters or revokes any qualifications or standards for the
633 issuance, suspension or revocation of a license to pursue any commercial activity, trade or
634 profession.

635 2. "Rule" includes the amendment or repeal of a prior rule, but does not include:

636 a. a statement concerning only the internal management of a department and not
637 affecting private rights or procedures available to the public;

638 b. a declaratory ruling issued in accordance with an ordinance; or

639 c. a traffic restriction for motor vehicles, bicyclists and pedestrians established
640 by the director of the department of transportation, the director of the Metro transit

641 department or their designees if an official traffic control device gives notice of the
642 restriction.

643 SECTION 9. Ordinance 11431, Section 7, as amended, and K.C.C. 2.124.010 are
644 each hereby amended to read as follows:

645 The King County Metro transit department (~~(of transportation)~~) shall employ a
646 transit public involvement model to promote (~~(the transit division's)~~) responsiveness and
647 accountability to the community. The Metro transit department (~~(of transportation)~~) shall
648 provide staff support for the transit public involvement model, which shall include the
649 following major elements:

650 A. Sounding boards which are geographically, topically or community-based
651 groups convened for a limited time to consider specific transit topics. Sounding boards
652 shall be established by the Metro transit (~~(division)~~) department to provide advice on
653 identified issues including, but not limited to, transit service changes. Sounding boards
654 shall provide information to the transit advisory commission, local jurisdictions, subarea
655 transportation forums as well as the Metro transit (~~(division)~~) department, the executive and
656 the council. For major planning exercises such as service changes, sounding boards shall
657 make consensus recommendations to the transit advisory commission and the Metro transit
658 (~~(division)~~) department.

659 B.1. The transit advisory commission, which is a permanent body that shall advise
660 the Metro transit (~~(division)~~) department, the executive, the council, local jurisdictions and
661 subarea transportation forums on transit issues and policy, including matters of concern to
662 the elderly and persons with disabilities. The transit advisory commission shall advise the
663 (~~(division)~~) department on the inception and development of long-range planning efforts,

664 and serve as a resource for transit promotion.

665 2. As of February 18, 2011, the commission shall have up to thirty members who
666 were appointed by the executive and confirmed by the council to serve on either the transit
667 advisory committee or accessible services advisory committee. These initial members may
668 serve for the remainder of the terms for which they were appointed to the transit advisory
669 committee or accessible services advisory committee. The executive shall not appoint
670 individuals to fill vacancies in these positions if the result would be to exceed the
671 membership limits in subsection B.3. of this section.

672 3. Except as otherwise provided in subsection B.2. of this section, the commission
673 shall have eighteen members who are appointed by the executive and confirmed by the
674 council to two-year terms.

675 a. Nine members shall be transit riders, recruited by the Metro transit department
676 (~~(of transportation)~~) to reflect the diversity and geographic distribution of county residents

677 b. Nine members shall be persons with disabilities or elderly persons, or be
678 associated with an agency that works with disabled and elderly persons, recruited by the
679 Metro transit department (~~(of transportation)~~) to reflect the diversity of the communities
680 they represent and types of disabilities, as well as consideration of the geographic
681 distribution of county residents.

682 4. The commission shall:

683 a. adopt by-laws, elect a chair and vice-chair to quarterly terms and adopt an
684 annual work program, which shall include issues of interest to transit riders and issues
685 related to accessibility and ACCESS services for elderly and disabled riders as well as all
686 items requested by the council or the Metro transit (~~(division)~~) department;

687 b. meet as needed to complete the work plan and address other issues as they
688 arise; and

689 c. designate one member to serve on each sounding board.

690 5. The transit advisory commission may establish standing and ad hoc
691 subcommittees to review issues that, in the commission's discretion, require in-depth study.
692 The subcommittees shall report to the transit advisory commission and are not authorized
693 to take actions independent of the commission.

694 SECTION 10. Ordinance 13623, Section 1, as amended, and K.C.C. 2A.310.050
695 are each hereby amended to read as follows:

696 A. The King County emergency management advisory committee is hereby
697 established. The committee shall act in an advisory capacity to the executive, council and
698 the office of emergency management on emergency management matters and facilitate
699 the coordination of regional emergency planning in King County.

700 B. The committee shall be composed of members who represent the following
701 emergency management interests, with each interest having one member except for the
702 Sound Cities Association, which may have three members:

- 703 1. The Central Region Emergency Medical Services and Trauma Care Council;
- 704 2. Each city with a population of over one hundred thousand;
- 705 3. Electric and gas utilities;
- 706 4. The financial community;
- 707 5. The King County Fire Chiefs Association;
- 708 6. The King County Fire Commissioners Association;
- 709 7. The King County Police Chiefs Association;

- 710 8. Local emergency planning committees;
- 711 9. The Port of Seattle;
- 712 10. Private business and industry;
- 713 11. The Puget Sound Educational Service District;
- 714 12. The King and Kitsap Counties Chapter of the American Red Cross;
- 715 13. Water and sewer districts;
- 716 14. The Sound Cities Association;
- 717 15. The Washington Association of Building Officials;
- 718 16. The King County executive or the executive's designee;
- 719 17. The King County department of natural resources and parks;
- 720 18. The King County department of transportation;
- 721 19. The King County Metro transit department;
- 722 20. The Seattle-King County department of public health;
- 723 ~~((20.))~~ 21. The Muckleshoot Tribe;
- 724 ~~((21.))~~ 22. The Snoqualmie Tribe;
- 725 ~~((22.))~~ 23. The King County sheriff's office;
- 726 ~~((23.))~~ 24. The Northwest Healthcare Response Network; and
- 727 ~~((24.))~~ 25. A faith-based organization prepared to provide emergency relief
- 728 services to the public.
- 729 C. The scope and charge of the committee is to:
- 730 1. Advise King County on emergency management issues and facilitate
- 731 coordination of regional emergency planning in King County;
- 732 2. Assist King County in the development of programs and policies concerning

733 emergency management; and

734 3. Review and comment on proposed emergency management rules, policies or
735 ordinances before the adoption of the rules, policies or ordinances.

736 D.1. The executive shall appoint regular members and one alternate member for
737 each regular member of the committee, subject to confirmation by the council.

738 2. Individuals serving as regular members of the committee shall be the chair of
739 the association or designee if an association or agency is named as a member.

740 Individuals serving as alternate members of the committee shall be designated by the
741 association if an association or agency is named as a member. This includes the Sound
742 Cities Association, which shall designate the individuals to serve as its regular members
743 and alternates.

744 3. Individuals serving the committee from industry groups or a faith-based
745 organization shall be recruited with the assistance of those entities.

746 4. A regular or alternate member of the committee shall serve a term of three
747 years or until the regular or alternate member's successor is appointed and confirmed as
748 provided in this section. The terms of office shall be staggered consistent with K.C.C.
749 chapter 2.28.

750 5. Memberships are not limited as to numbers of terms, but regular and alternate
751 members shall participate in a reappointment process every three years. Reappointment
752 is subject to confirmation by the county council.

753 6. A vacancy shall be filled for the remainder of the term of the vacant position
754 in the manner described in the initial appointment.

755 E.1. The committee shall elect a regular committee member as chair by a

756 majority vote of committee members. The term of the chair is one year.

757 2. The committee shall adopt appropriate bylaws, including quorum
758 requirements.

759 F. The office of emergency management shall provide ongoing administrative
760 support to the committee.

761 G. Members of the committee shall serve without compensation.

762 SECTION 11. Ordinance 18432, Section 5, as amended, and K.C.C. 2A.380.050
763 are each hereby amended to read as follows:

764 The duties of the emergency radio communications division include administering
765 the emergency radio communication system, but not including the radio communication
766 and data system operated and maintained by the Metro transit department ((of
767 ~~transportation~~)).

768 SECTION 12. Ordinance 12014, Section 34, as amended, and K.C.C. 3.12.123
769 are each hereby amended to read as follows:

770 The council desires to continue the weapons policy established by the Municipality
771 of Metropolitan Seattle prior to assumption of metropolitan functions on January 1, 1994,
772 by the county and continued by the council during the 1994 - 1995 transition period. The
773 council recognizes that employees in ((~~the transit division of~~)) the Metro transit department
774 ((~~of transportation~~)) interact daily with the public in providing public transportation
775 services, are expected to avoid any potentially volatile situation or confrontation, and are
776 required to contact the appropriate authority for assistance when necessary. In conjunction
777 with the behavior expected of such employees, it is also the policy that the use, threatened
778 use, or possession of a weapon concealed, licensed or otherwise, by such an employee

779 while in the performance of the employee's official duties or while on county property is
780 strictly prohibited and will result in termination. This policy does not apply to
781 commissioned police officers under contract with or employed by the county for
782 investigatory, undercover or enforcement reasons.

783 SECTION 13. Ordinance 12014, Section 36, as amended, and K.C.C. 3.12.188
784 are each hereby amended to read as follows:

785 A. Employees eligible for comprehensive leave benefits under this chapter,
786 administrative interns, volunteer interns, work study students and eligible department of
787 transportation or Metro transit department retirees as defined in this section shall be
788 issued a transit bus pass entitling the holder to ride without payment of fare on public
789 transportation services operated by or under the authority of the county. In addition, such
790 employees shall be entitled to use the transit bus pass to ride without payment of fare on
791 public transportation services operated by or under the authority of Pierce Transit, Kitsap
792 Transit, the King County Ferry District, Sound Transit, Everett Transit, and Community
793 Transit, subject to agreements with such agencies as may be entered into by the
794 executive. Use of transit bus passes shall be restricted to such employees, administrative
795 interns, volunteer interns, work study students and department of transportation or Metro
796 transit department retirees and any unauthorized use shall, at a minimum, result in
797 forfeiture of the passes. With the exception of administrative interns, volunteer interns
798 and work study students, employees not eligible for comprehensive leave benefits under
799 this chapter shall not receive transit bus passes or any transit bus pass subsidy.

800 B. The executive shall cause an appropriate survey to be conducted biennially of
801 the use of public transportation services by county employees and volunteer interns.

802 Based on the results of the survey, the projected usage of public transportation services
803 by county employees, the county's commute trip reduction objectives and other factors
804 determined appropriate by the executive, the executive shall recommend in the annual
805 budget an amount to be paid to the public transportation operating account for transit bus
806 passes. The amount recommended by the executive shall not include any payment for
807 transit bus passes for commissioned police officers, eligible department of transportation
808 or Metro transit department retirees and employees whose positions are determined by
809 the director of the Metro transit department (~~(of transportation)~~) to be dedicated
810 exclusively to the public transportation function. The final amount to be transferred to
811 the public transportation operating account for transit bus passes shall be determined by
812 the council as part of the annual budget and appropriation process consistent with the
813 requirements of the King County Charter and applicable state law.

814 C. For purposes of this section, "eligible department of transportation or Metro
815 transit department retiree" means an employee eligible for comprehensive leave under
816 this chapter who:

817 1. Separates from employment with the county before January 1, 2019, while
818 holding a position in the department of transportation determined by the director of the
819 department of transportation to be dedicated exclusively to the public transportation
820 function or separates from employment with the county on or after January 1, 2019, while
821 holding a position in the Metro transit department determined by the director of the Metro
822 transit department to be dedicated exclusively to the public transportation function; and

823 2. On the date of the separation is eligible to receive benefits from a retirement
824 system established pursuant to state law.

825 SECTION 14. Ordinance 12045, Section 4, as amended, and K.C.C. 4.56.060 are
826 each hereby amended to read as follows:

827 A. Except as otherwise provided in this chapter, the facilities management
828 division, acting under the supervision of the county administrative officer, shall be the
829 sole organization responsible for the administrative processes of acquiring, disposing,
830 inventorying, leasing and managing real property, the legal title of which rest in the name
831 of the county, or which the county manages in a trust capacity.

832 B. Open space, trail, park, agriculture and other natural resource real properties
833 shall be acquired by the department of natural resources and parks, unless the executive
834 directs the facilities management division to make such acquisitions.

835 C. Real property and interests in real property necessary for the metropolitan
836 public transportation and metropolitan water pollution abatement functions shall be
837 acquired and managed by the Metro Transit department(~~(s of transportation)~~) and the
838 department of natural resources and parks, respectively, as set forth in this chapter, unless
839 the executive directs the facilities management division to make such acquisitions and/or
840 manage such properties.

841 D. County departments shall be responsible for maintaining all real property for
842 which they are the custodian.

843 E.1. As part of the services the county provides to the King County Flood
844 Control Zone District under an interlocal agreement, the county, acting through the
845 facilities management division in coordination with the department of natural resources
846 and parks, is authorized to sell or otherwise convey real property and real property
847 interests held in the name of the county that were acquired on behalf of the district,

848 without being subject to the other requirements of this chapter, but only if:

849 a. the district, by resolution, directs the county to convey to the district or
850 named third parties those real properties or real property interests acquired by the county
851 for the district and held in the county's name. Within the time stated in the resolution, or
852 within sixty days of the county's receipt of a copy of the resolution, if a time is not stated
853 in the resolution, the division should execute the conveyance document, in a form
854 approved by the district, and transmit it to the district unless the resolution directs the
855 conveyance document be transmitted to named third parties; or

856 b.(1) the district, by resolution, directs the county to sell those real properties
857 or real property interests acquired by the county for the district and held in the county's
858 name, with the proceeds of the sales remitted to the district. Unless otherwise directed by
859 the district by resolution, all sales shall be made to the highest responsible bidder at
860 public auction or by sealed bid. Within the time stated in the resolution, or within sixty
861 days of the county's receipt of a copy of the resolution, if a time is not stated in the
862 resolution, the division should initiate the process to sell real properties or real property
863 interests; and

864 (2) not more than thirty days after bids are received, the county shall provide
865 the district with notice of all bids received and the county's determination of the highest
866 responsible bidder. Before closing on any sale, the county shall obtain written
867 confirmation from the district's executive director that the district concurs in the county's
868 determination of the highest responsible bidder.

869 2. The county shall provide monthly progress reports on all district-authorized
870 conveyances or sales, including but not limited to in the case of a conveyance, the

871 expected date of executing the conveyance documents or, in the case of a sale, the closing
872 date. In each monthly report, if the expected date of the executing conveyance
873 documents is delayed or the expected closing date of a sale is delayed, the county shall
874 report to the district the reasons for the delay and the new expected date to convey or sell.

875 3. No later than March 31 of each year, the county shall provide to the executive
876 director of the King County Flood Control Zone District an inventory of all real property
877 and real property interests acquired by the county on behalf of the district and held in the
878 name of the county.

879 SECTION 15. Ordinance 12045, Section 10, as amended, and K.C.C. 4.56.100
880 are each hereby amended to read as follows:

881 A. All sales of real and personal property shall be made to the highest responsible
882 bidder at public auction or by sealed bid except when:

883 1. County property is sold to a governmental agency;

884 2. The county executive has determined an emergency to exist; or the county
885 council, by ordinance, has determined that unique circumstances make a negotiated direct
886 sale in the best interests of the public;

887 3. County real property is traded for real property of similar value, or when
888 county personal property is traded for personal property of similar value;

889 4. The facilities management division has determined that the county will
890 receive a greater return on real property when it is listed and sold through a residential or
891 commercial real estate listing service;

892 5. County personal property is traded in on the purchase of another article;

893 6. Property has been obtained by the county through the proceeds of grants or

894 other special purpose funding from the federal or state government, wherein a specific
895 public purpose or purposes are set forth as a condition of use for the property, that
896 purpose or purposes to be limited to the provision of social and health services or social
897 and health service facilities as defined in chapter 43.83D RCW, and it is deemed to be in
898 the best interest of the county, in each instance, upon recommendation by the county
899 executive and approval by the county council, that in order to fulfill the condition of use,
900 the county may sell or otherwise convey the property in some other manner consistent
901 with the condition of use; however, the county may only convey the property to private,
902 nonprofit corporations duly organized according to the laws of the state of Washington,
903 which nonprofit corporations are exempt from taxation under 26 U.S.C. Sec. 501(c) as
904 amended, and which nonprofit corporations are organized for the purpose of operating
905 social and health service facilities as defined by chapter 43.83D RCW;

906 7. The county property is sold for on-site development of affordable housing
907 which provides a public benefit, provided that the developer has been selected through a
908 request for proposals;

909 8. It is deemed to be in the public interest to restrict the use of the project for
910 provision of social or health services or such other public purposes as the county deems
911 appropriate;

912 9. The facilities management division for real property and the fleet
913 administration division for personal property, in consultation with the county executive
914 and the county council, may, in the best interests of the county, donate or negotiate the
915 sale of either county surplus personal property or real property, or both, with bona fide
916 nonprofit organizations wherein the nonprofit organizations provide services to the poor

917 and infirm or with other governmental agencies with whom reciprocal agreements exist.
918 Such transactions shall be exempt from the requirements of fair market value,
919 appraisal((;)) and public notice. Where a department has identified personal property that
920 is appropriate for surplusing to nonprofit organizations, the department shall utilize the
921 fleet administration division to manage the surplusing process, and fleet administration
922 shall ensure that the personal property is in good working order, that county data and
923 inventory tags are removed and that consistent records of donations and sales are
924 retained. The facilities management division or fleet administration division, as
925 applicable, also may, in the best interest of the county, procure services to support King
926 County in lieu of payment with nonprofit organizations who provide services that will
927 benefit the public. Such transactions are based upon the recommendation of the facilities
928 management division or fleet administration division, as applicable, and the department
929 having custodianship of the property. The facilities management division or fleet
930 administration division, as applicable, shall maintain a file of appropriate correspondence
931 or such information that leads to a recommendation by the division to the county
932 executive and the county council to undertake such transactions, and such information
933 shall be available for public inspection at the facilities management division or fleet
934 administration division, as applicable. The facilities management division or fleet
935 administration division, as applicable, may also seek reimbursement from the benefiting
936 organization for the administrative costs of processing the surplus property;

937 10. The county property is a retired passenger van being made available in
938 accordance with subsection ((D.))E. of this section;

939 11. The county property is located in a historic preservation district within the

940 Urban Growth Area and is sold to a nonprofit corporation or governmental entity for one-
941 site mixed use development consistent with historic preservation requirements, which
942 includes affordable housing and which may also include market rate housing, retail or
943 other uses, and which is selected after a competitive request for proposal process; or

944 12.a. The county property is declared surplus to the future foreseeable needs of
945 the county and sold to a governmental agency that will, consistent with Section 230.10.10
946 of the King County Charter, other applicable laws, regulations and contract restrictions,
947 such as grant funding requirements, compensate the county for the real property as well
948 as provide public benefits. For the purposes of this subsection, "public benefits" means
949 benefits to the public that are in addition to the public benefit that may arise from the
950 primary intended use of the property by the purchasing governmental agency and which
951 may include, but are not limited to, the provision of affordable housing, open space or
952 park land, child care facilities, public art beyond what is required under applicable law, or
953 monetary contribution toward such benefits.

954 b. A sale shall not qualify under the exception in K.C.C. 4.56.100.A.12.a.
955 unless:

956 (1) before declaring the property surplus to the future foreseeable needs of the
957 county under K.C.C. 4.56.070, because the property is neither necessary for the essential
958 government services of any other county department nor needed by any other county
959 department, the facilities management division must have recommended to the executive
960 that engaging in a negotiated direct sale with that governmental agency would be in the
961 best interests of the public; and

962 (2) within sixty days of the facilities management division making its

963 recommendation, the executive shall report by letter the executive's intent to engage in
964 the direct negotiation for the conveyance of the real property. The letter shall describe
965 the proposed terms of the sale, including, but not limited to, the primary intended use of
966 the property proposed by the governmental agency and the public benefits expected to be
967 provided by the governmental agency. The letter shall be filed in the form of a paper
968 original and an electronic copy with the clerk of the council, who shall retain the original
969 and provide an electronic copy to all councilmembers and the lead staff to the budget and
970 fiscal management committee or its successor.

971 c. Subsection A.12.b₂ of this section shall apply beginning January 1, 2018.

972 B. The county may, if it deems such action to be for the best public interest,
973 reject any and all bids, either written or oral, and withdraw the property from sale. The
974 county may then renegotiate the sale of withdrawn property, providing the negotiated
975 price is higher than the highest rejected bid.

976 C. In any conveyance of real property that requires construction of affordable
977 housing in development of the property, the executive shall include covenants so that:

978 1. At least with respect to that construction, the prevailing rate of wage, as
979 defined in RCW 39.12.010, shall be required to be paid to all worker classifications for
980 which the state Department of Labor and Industries has established a prevailing rate of
981 wage; and

982 2. At least with respect to that construction, state-certified apprentices for
983 construction shall be required to be used across the trades, including women, at-risk
984 youth or people of color, with a fifteen percent apprentice utilization goal.

985 D. Whenever the procedures of a grant agency having an interest in real or

986 personal property requires disposition in a manner different from the procedures set forth
987 in this chapter, the property shall be disposed of in accordance with the procedures
988 required by this chapter unless the grant agency specifically requires otherwise.

989 E. Each year, the Metro transit (~~(division)~~) department shall make available
990 retired passenger vans for exclusive use by nonprofit organizations or local governments
991 that are able to address the mobility needs of low-income, elderly or young people or
992 people with disabilities. Each agency selected to receive a van must enter into an
993 agreement with King County that provides that the agency will accept the van "as is"
994 without guarantee or warranty expressed or implied and shall transfer title as prescribed
995 by law before use. The council shall allocate the vans by motion to nonprofit
996 organizations or local governments based upon the following criteria:

997 1. Demonstrated capacity to support ongoing van operation, including assured
998 funding for licensing, insuring, fueling and maintaining the van;

999 2. Ability to provide qualified and trained drivers;

1000 3. Specific plans for use of the van to transport low-income, elderly or young
1001 people or people with disabilities, and assurance that the use shall be available to those
1002 persons without regard to affiliation with any particular organization;

1003 4. Geographic distribution of the van allocations in order to address the mobility
1004 needs of low-income, elderly or young people or people with disabilities countywide; and

1005 5. Ability to support county's public transportation function by reducing single
1006 occupancy vehicle trips, pollution and traffic congestion; supplementing services
1007 provided by the county's paratransit system and increasing the mobility for the transit-
1008 dependent for whom regular transit might not always be a convenient option.

1009 SECTION 16. Ordinance 12192, Section 1, as amended, and K.C.C. 4.56.195 are
1010 each hereby amended to read as follows:

1011 In addition to disposing of surplus vanpool vehicles from the metropolitan public
1012 transportation function by public auction or sealed bid as provided elsewhere in this
1013 chapter, the county may dispose of such vehicles by negotiated direct sale if the fleet
1014 administration division determines such disposition method will likely yield higher returns
1015 to the county than the public auction or sealed bid methods.

1016 A. The county may use the services of a broker under contract to the county to
1017 conduct such negotiated direct sales. If such sale will be conducted by a broker, the broker
1018 shall be selected and a contract awarded in accordance with the negotiated procurement
1019 policies set forth in K.C.C. chapter ~~((4-16))~~ 2.93. The provisions of the broker contract
1020 shall include the following:

1021 1. The broker shall provide notice to the public of the availability of the vehicles;

1022 2. The broker shall receive a commission as negotiated with the county and set
1023 forth in the broker contract;

1024 3. The term of the broker contract may be for greater than one year but shall not
1025 exceed three years; and

1026 4. The county reserves the right to transfer or sell vehicles outside of the broker
1027 contract to governmental, quasi-governmental and social service agencies and other parties
1028 selected by the executive or the council, as applicable, and in the event of such transfers or
1029 sales, shall owe no commission or other payments to the broker except to the extent the
1030 broker has incurred costs related to vehicles provided to the broker but subsequently
1031 withdrawn from the broker by the county.

1032 B. Drivers of vanpool vehicles, as consideration for driving the vehicles, shall
1033 receive a credit against the purchase price of vanpool vehicles. The credit for drivers shall
1034 not exceed one thousand dollars based on a credit of twenty dollars for each month as a
1035 driver. The ~~((manager))~~ director of the Metro transit ~~((division of the department of~~
1036 ~~transportation))~~ department shall determine the credit earned by each driver and submit
1037 such determination to the manager of the fleet administration division.

1038 SECTION 17. Ordinance 17390, Section 1, as amended, and K.C.C. 4.56.300 are
1039 each hereby amended to read as follows:

1040 A. ~~The ((F))~~ fleet administration division shall annually identify countywide fleet
1041 standards for cars, trucks, sport utility vehicles and other nonrevenue vehicles. These
1042 standards shall apply to fleets managed by the Metro transit department as well as the fleet
1043 administration, solid waste~~((, transit))~~ and airport divisions, and shall be developed as
1044 follows:

1045 1. The fleet managers of the Metro transit department as well as the fleet
1046 administration, solid waste~~((, transit))~~ and airport divisions shall annually review the
1047 inventory of cars, trucks, sport utility vehicles and any other nonrevenue vehicles identified
1048 to be replaced in the coming year. The fleet managers shall assign a standard for each class
1049 of vehicle. If a vehicle meeting the standard is not available through an existing
1050 procurement contract, the fleet managers shall collaborate to determine the best method of
1051 procurement of the vehicle;

1052 2. To the extent practicable, the original equipment manufacturer's recommended
1053 routine maintenance schedules, as specified by the use of the vehicle, shall be adhered to
1054 for all nonrevenue county fleet vehicles. Fleet managers may, at their discretion, document

1055 and adjust the frequency of routine service intervals where a deviation from the
1056 recommended routine maintenance schedule is indicated due to factors including, but not
1057 limited to, vehicle age, mileage, service hours or operating environment;

1058 3.a. Vehicle replacement cycles shall, to the extent practicable, be consistent for
1059 each class of vehicle. The optimal mileage at which each class of vehicle should be
1060 replaced shall be established by the fleet managers using criteria such as purchase price,
1061 depreciation and maintenance costs. All county fleets will apply the same criteria to
1062 establish the optimal mileage and the maximum life cycle.

1063 b. Fleet managers shall prepare an alternative fuel technology vehicle integration
1064 plan, describing necessary and appropriate steps towards the successful integration of
1065 alternative fuel vehicles into the county fleets. Plan elements may include:

1066 (1) a description of the challenges and barriers that alternative fuel vehicles
1067 may encounter in efforts to integrate them into the county fleet;

1068 (2) a description of opportunities for such vehicles in service to county
1069 government transportation needs;

1070 (3) identification and a specific timeline for ascertainment of needed planning
1071 and analytical information in support of plan preparation, including:

1072 (a) vehicle maintenance and repair histories, and related information that will
1073 support development of appropriate vehicle life cycle replacement standards; and

1074 (b) vehicle utilization data;

1075 (4) a summary of appropriate steps needed to integrate such vehicles into the
1076 county fleet; and

1077 (5) other elements.

1078 c. The alternative fuel technology vehicle integration plan together with a
1079 motion providing for acknowledgement of the transmittal of the plan, shall be filed with the
1080 clerk of the council by March 31, 2014, who shall retain the original and provide an
1081 electronic copy to all councilmembers and the lead staff of the transportation, economy and
1082 environment committee or its successor;

1083 4. The countywide fleet standards shall be evaluated by county fleet managers
1084 biannually, to coincide with the biennial budget cycle, and updated if needed;

1085 5. The manager of the fleet administration division shall have lead responsibility
1086 for facilitating the biannual evaluation of countywide fleet standards.

1087 B. The executive shall annually transmit an electronic copy and one paper copy of
1088 the King County fleet standards to the clerk of the council by August 31 for distribution to
1089 all councilmembers and the lead staff for the transportation, economy and environment
1090 committee, or its successor. The report shall include:

1091 1. Vehicle types for purchase for standard passenger cars, trucks and sport utility
1092 vehicles for the next calendar year;

1093 2. Standard maintenance schedules for routine safety and service work for each
1094 type of vehicle; and

1095 3. Vehicle life including both optimal mileage and maximum life cycle for
1096 vehicle replacement planning.

1097 SECTION 18. Ordinance 17935, Section 8, and K.C.C. 4A.200.418 are each
1098 hereby amended to read as follows:

1099 A. There is hereby created a marine capital fund.

1100 B. The fund shall be a first tier fund. It is an enterprise capital fund.

1101 C. The director of the Metro transit department (~~((of transportation))~~) shall be the
1102 manager of the fund.

1103 D. All receipts from transfers from the marine operating fund and revenues for
1104 marine division passenger ferry capital purposes from bond proceeds, grants and other
1105 sources shall be deposited in the fund.

1106 SECTION 19. Ordinance 15973, Section 81, as amended, and K.C.C.

1107 4A.200.420 are each hereby amended to read as follows:

1108 A. There is hereby created the marine services operating fund.

1109 B. The fund shall be a first tier fund. It is an enterprise fund.

1110 C. The director of the Metro transit department (~~((of transportation))~~) shall be the
1111 manager of the fund.

1112 D. All proceeds generated by an ad valorem tax levy upon all taxable property in
1113 King County authorized by RCW 36.54.130, all receipts from the operation of the King
1114 County marine division passenger ferry service, proceeds from grants, bonds and other
1115 revenues for passenger ferry services shall be deposited in the fund.

1116 E. All moneys in the fund shall be used for the purpose authorized in chapter
1117 36.54 RCW.

1118 SECTION 20. Ordinance 17527, Section 83, as amended, and K.C.C.

1119 4A.200.530 are each hereby amended to read as follows:

1120 A. There is hereby created the public transportation infrastructure capital fund.

1121 B. The fund shall be a first tier fund. It is a capital projects fund.

1122 C. The director of the Metro transit department (~~((of transportation))~~) shall be the
1123 manager of the fund.

1124 D. Consistent with any applicable bond covenants, all receipts deposited into the
1125 fund shall be from: sales and use taxes; federal, state and local grants; contract and
1126 partnership revenue; interest income; bond proceeds; property sale revenue; and transfers
1127 from the revenue stabilization fund and any transfers from other funds as appropriated by
1128 council for infrastructure and other capital projects for the fund. Receipts listed in this
1129 subsection for revenue fleet capital projects shall not be deposited in the fund.

1130 E. Except as authorized by subsection D. of this section, the fund shall account
1131 for the infrastructure and other capital assets of the public transportation enterprise,
1132 excluding the revenue fleet.

1133 SECTION 21. Ordinance 17527, Section 82, as amended, and K.C.C.

1134 4A.200.540 are each hereby amended to read as follows:

1135 A. There is hereby created the public transportation operating fund.

1136 B. The fund shall be a first tier fund. It is an enterprise fund.

1137 C. The director of the Metro transit department (~~(of transportation)~~) shall be the
1138 manager of the fund.

1139 D. Consistent with applicable bond covenants, all receipts deposited into the fund
1140 shall be from: sales and use taxes, property taxes, fares, federal, state and local grants for
1141 noncapital purposes; contract and partnership revenue; interest income; property sale
1142 revenue; revenues from other county departments and divisions; other revenues sources
1143 as approved by a state and local authority, other miscellaneous revenues; and transfers
1144 from the revenue stabilization fund or any transfers from other funds as appropriated by
1145 council for the operating expenditures for the fund.

1146 E. The fund shall provide for the receipt of revenues and disbursement of

1147 expenditures for the operation of the public transportation enterprise.

1148 SECTION 22. Ordinance 18320, Section 2, and K.C.C. 4A.200.737 are each

1149 hereby amended to read as follows:

1150 A. There is hereby created the transit revenue fleet capital fund.

1151 B. The fund shall be a first tier fund. It is a capital projects fund.

1152 C. The director of the Metro transit department (~~(of transportation)~~) shall be the
1153 manager of the fund.

1154 D. Consistent with any applicable bond covenants and K.C.C. 4A.200.530.D., all
1155 receipts from sales and use taxes; federal, state and local grants; contract and partnership
1156 revenue; fares; interest income; bond proceeds; property sale revenues; and transfers
1157 from the revenue stabilization fund or any transfer from other funds as appropriated by
1158 council for revenue fleet capital projects for the public transportation fund shall be
1159 deposited into the fund.

1160 E. The fund shall account for the revenue fleet capital assets of the public
1161 transportation enterprise, except as authorized by K.C.C. 4A.200.530.E.

1162 SECTION 23. Ordinance 17527, Section 84, as amended, and K.C.C.

1163 4A.200.740 are each hereby amended to read as follows:

1164 A. There is hereby created the transit revenue fleet replacement fund.

1165 B. The fund shall be a first tier fund. It is an enterprise restricted fund.

1166 C. The director of the Metro transit department (~~(of transportation)~~) shall be the
1167 manager of the fund.

1168 D. All receipts deposited into the fund shall be determined by the council by
1169 motion consistent with applicable bond covenants.

1170 E. The fund shall provide for the receipt of revenues and disbursement of
1171 expenditures for the capital assets of the public transportation enterprise.

1172 SECTION 24. Ordinance 18320, Section 3, and K.C.C. 4A.200.741 are each
1173 hereby amended to read as follows:

1174 A. There is hereby created the transit revenue stabilization fund.

1175 B. The fund shall be a first tier fund. It is an enterprise fund.

1176 C. The director of the Metro transit department (~~(of transportation)~~) shall be the
1177 manager of the fund.

1178 D. All revenues to maintain the target reserve balances, consistent with the transit
1179 fund management policies, shall be deposited into the fund consistent with applicable
1180 bond covenants.

1181 E. The fund shall provide for the accumulation of resources to mitigate
1182 recessionary and other risk impacts on the public transportation enterprise.

1183 SECTION 25. Ordinance 18398, Section 8, and K.C.C. 4A.601.025 are each
1184 hereby amended to read as follows:

1185 Subject to appropriation by the county council, the following county departments
1186 and agencies are authorized to absorb the operational and business costs accepting
1187 electronic payments, including transaction processing costs, for the specified fees, fines,
1188 charges, fares or other payments listed:

1189 A. The department of executive services, records and licensing services division,
1190 for payments for animal shelter, care and control and pet licensing purposes, including all
1191 fees, donations and penalties in K.C.C. 11.04.035;

1192 B. District court for court-related fees, fines and other charges;

1193 C. The department of natural resources and parks, parks and recreation division,
1194 for park services and facilities usage provided to the public;

1195 D. The department of natural resources and parks, wastewater treatment division,
1196 for sewage capacity charges;

1197 E. The department of natural resources and parks, solid waste division, for
1198 municipal solid waste fees;

1199 F. The department of public health for public health environmental permits and
1200 community health clinic fees;

1201 G. The department of permitting and environmental review for permitting and
1202 environmental review permit fees;

1203 H. The department of information technology for geographic information system
1204 course fees; and

1205 I. The Metro transit department (~~(of transportation, transit division, and the water~~
1206 ~~taxi division,))~~) for public transportation fares.

1207 SECTION 26. Ordinance 17757, Section 5, and K.C.C. 4A.700.490 are each
1208 hereby amended to read as follows:

1209 The director of (~~(transportation))~~ the Metro transit department may implement and
1210 administer a low-income transit fare program using the existing smart card One Regional
1211 Card for All, also known as ORCA, system. The eligibility threshold for the low-income
1212 fare is set at two hundred percent of the federal poverty level.

1213 SECTION 27. Ordinance 17096, Section 3, as amended, and K.C.C. 4A.700.700
1214 are each hereby amended to read as follows:

1215 A. User fees are established for public use of electric vehicle charging station

1216 stalls located on property owned or leased by King County.

1217 B. The Metro transit department (~~(of transportation)~~) shall set the user fees for
1218 the use of electric vehicle charging stations stalls in accordance with this section.

1219 C.1. The user fees shall be calculated as a single, per-use fee intended to cover the
1220 county's cost of operations related to public use.

1221 2. The county's cost of operations includes, but is not limited to, planning,
1222 outreach and administration, maintenance, charging station vendor costs, utility costs
1223 related to the charging stations and facility enforcement costs.

1224 3. Differing user fees may be established at particular locations and for uses
1225 other than typical daytime parking, such as overnight parking, monthly reservations,
1226 special event rates and other specific circumstances.

1227 D. The Metro transit department (~~(of transportation)~~) shall review all user fees
1228 twice each year and adjust the fees based on consideration for the costs established in
1229 subsection C. of this section. However, user fees shall not exceed five dollars per use.

1230 E. The Metro transit department (~~(of transportation)~~) shall post user fees, rules
1231 for using the electric vehicle charging station stalls and the penalties for improper use of
1232 electric vehicle charging station stall at or near the stalls either via the electronic screen
1233 on the charging device or by signage affixed on or near the charging device. The
1234 department also shall post the fees, rules and penalties in an appropriate location on the
1235 department (~~(of transportation)~~) website.

1236 F. Failure to pay the applicable user fee or remaining in an electric vehicle
1237 charging station stall longer than entitled as a result of the user fee paid, is a violation of
1238 this section.

1239 G. The penalty for a violation under subsection F. of this section may result in a
1240 civil penalty in an amount established by the department by rule, in accordance with
1241 K.C.C. chapter 2.98, not to exceed two hundred dollars. Notice and appeal of the civil
1242 penalty shall be as follows:

1243 1. The department shall issue a notice and order and serve it as provided for in
1244 this section when the department determines that a violation described in subsection F. of
1245 this section has occurred. The notice and order shall contain:

1246 a. a description of the vehicle parked in violation of this section, including
1247 make, model, color and license plate number;

1248 b. date and time the notice and order was issued;

1249 c. a description sufficient to identify the area where the vehicle was parked
1250 when the violation was discovered;

1251 d. a statement that the vehicle is parked in violation of subsection F. of this
1252 section, with a brief and concise description of the conditions that established the
1253 violation;

1254 e. a statement that the department is assessing a civil penalty, the amount of
1255 the penalty and a time certain by which the penalty shall be paid from the date of the
1256 order; and

1257 f. statements advising that:

1258 (1) the director of (~~transportation~~) the Metro transit department may review
1259 and reconsider the notice and order, but only if a request for review and reconsideration is
1260 made in writing as provided in this section and filed with the director within ten days
1261 from the date of service of the notice and order;

1262 (2) the address to which the request for review and reconsideration must be
1263 sent; and

1264 (3) failure to timely request director's review and reconsideration will
1265 constitute a waiver of all rights to any administrative hearing and determination of the
1266 matter;

1267 2. The notice and order, and any amended or supplemental notice and order,
1268 shall be served by affixing the notice and order to the vehicle for which is the subject of
1269 the violation, in a conspicuous location on the vehicle;

1270 3. Proof of service of the notice and order shall be made at the time of service
1271 by a written declaration under penalty of perjury, executed by the person effecting service
1272 and declaring the time, date and manner in which service was made. A copy of the notice
1273 and order shall be kept on file by the Metro transit department (~~(of transportation)~~);

1274 4. A person served with a notice and order under this section may request in
1275 writing, within ten days of being served with a notice and order, that the director review
1276 and reconsider the notice and order;

1277 5. The review shall be performed without a hearing and be based solely on
1278 written information provided by the person requesting review and by county personnel or
1279 agents;

1280 6. Upon review, the director may uphold the notice and order or waive or
1281 reduce the fine or any other penalty contained in the notice and order;

1282 7. The director shall mail the written decision to the person requesting review;

1283 8. The decision shall notify the person requesting review of the right to appeal
1284 the director's decision in accordance with K.C.C. 20.22.080;

1285 9. The King County office of the hearing examiner shall hear appeals of the
1286 director's decisions under this section;

1287 10. The procedures for initiating and conducting the appeal shall be governed by
1288 K.C.C. chapter 20.22;

1289 11. Enforcement of any notice and order of the department shall be stayed
1290 during the pendency of a director's review or an appeal therefrom that is properly and
1291 timely filed in accordance with K.C.C. chapter 20.22;

1292 12. The registered owner of a vehicle is liable to pay any civil penalty imposed
1293 for a violation under this section. However, the registered owner of a vehicle may avoid
1294 liability if the owner proves that the vehicle was reported to the police as a stolen vehicle
1295 before the notice and order was issued, and the vehicle had not been recovered;

1296 13. Except as otherwise provided in subsection G.12. of this section, a civil
1297 penalty imposed for failure to pay a user fee at a King County Metro transit department
1298 ~~((of transportation))~~ facility is a personal obligation of the registered owner of the vehicle
1299 involved; and

1300 14. If the penalties assessed by the department are not paid to King County
1301 within thirty days from the service of the notice, the mailing of the director's decision, or
1302 the mailing of the hearing examiner's decision, whichever occurs last, then the
1303 department may send a final warning letter to the registered owner of the vehicle to the
1304 address on file with the state Department of Licensing. If the civil penalties are not paid
1305 within ten days after the final warning letter is sent, then the department may pursue other
1306 applicable legal remedies. In pursuing payment of civil penalties that remain delinquent
1307 after the final warning letter is sent, and to cover administrative expenses associated with

1308 the pursuit of the penalties, the department may charge the registered owner of the
1309 vehicle an additional fee not to exceed fifty percent of the total delinquent civil penalties.

1310 H. All user fees and civil penalties authorized in this section shall be deposited
1311 into the public transportation operating account of the public transportation fund and used
1312 to support the electric vehicle charging station program.

1313 I. In addition or as an alternative to the civil penalty authorized in subsection G.
1314 of this section, the department may impound the vehicle without giving prior notice in
1315 accordance with the process provided in K.C.C. chapter ~~((14A.XX (the new chapter~~
1316 ~~created in Ordinance 18743, Section 38)))~~ 14A.60. When impoundment is authorized by
1317 this section, a vehicle may be impounded by a towing contractor acting at the request of
1318 the director or the director's designee. The director or the director's designee shall
1319 provide to the towing contractor a signed authorization for the tow and the impound
1320 before the towing contractor may proceed with the impound.

1321

1322 SECTION 28. Ordinance 17422, Section 3, as amended, and K.C.C. 4A.700.750
1323 are each hereby amended to read as follows:

1324 A. Fees are established for on-demand use of bicycle lockers installed at King
1325 County transit passenger facilities to partially offset the cost to establish and operate the on-
1326 demand locker program. All fees charged under authority of this section shall be used to
1327 support the on-demand locker program. Any revenue collected by the Metro transit
1328 department ~~((of transportation))~~ under authority of this section shall be deposited into the
1329 public transportation operating account of the public transportation fund.

1330 B. The program's costs include, but are not limited to, contract administration,

1331 facility construction, operation and maintenance, vendor selection costs and customer
1332 support.

1333 C. The Metro transit department (~~((of transportation))~~) shall set the fee or a range of
1334 fees for on-demand use of bicycle lockers in accordance with this section.

1335 D. The Metro transit department (~~((of transportation))~~) shall calculate fees or a range
1336 of fees for on-demand bicycle lockers. The initial maximum fee rate for on-demand use of
1337 bicycle lockers shall not exceed ten cents per hour. Factors considered in setting the fee
1338 include a review of average rates for use of bicycle lockers at other transit agencies; the
1339 desire to establish a value for this service; the need to partially recoup operational costs;
1340 and recognition that rates should be set low enough to stimulate demand and encourage
1341 more people to participate in the on-demand locker program. The department may round
1342 up the actual fee charged to the next full hour.

1343 E. The Metro transit department (~~((of transportation))~~) shall post fees and rules for
1344 on-demand use of bicycle lockers on signs on or near the lockers. The department shall
1345 also post the fees, rules and penalties on the Metro transit department (~~((of transportation))~~)
1346 website.

1347 F. The Metro transit department (~~((of transportation))~~) may suspend or revoke use
1348 privileges of a user who:

- 1349 1. Fails to pay the applicable fee;
- 1350 2. Uses an on-demand bicycle locker for long-term storage;
- 1351 3. Damages or abuses an on-demand bicycle locker; or
- 1352 4. Uses any bicycle locker for any purpose other than short-term storage of a
1353 bicycle and related bicycle equipment.

1354 G. In addition, the Metro transit department (~~((of transportation))~~) may remove or
1355 impound property from a bicycle locker for documented failure to comply with posted
1356 rules. The department shall make a reasonable, good-faith effort to contact the owner of
1357 any property impounded for violation of posted rules, and to return the impounded property
1358 to the owner.

1359 H. Within a range of fees set as authorized under subsection C. of this section, the
1360 Metro transit department (~~((of transportation))~~) may vary the fee for on-demand bicycle
1361 locker use where there is a reasonable basis to do so, including, but not limited to, factors
1362 such as location, time, demand or usage patterns.

1363 I. The Metro transit department (~~((of transportation))~~) shall review the fees for on-
1364 demand use of bicycle lockers at least once per year.

1365 J. Once the fee or range of fees for on-demand use of bicycle lockers is set, the
1366 Metro transit department (~~((of transportation))~~) may not increase the hourly fee, or the upper
1367 end of the hourly fee range, more than one hundred percent of that which is in place for the
1368 hourly fee or range, unless the department is authorized to do so by the council by
1369 ordinance. The department may not increase the fees or the upper end of the range of fees
1370 for on-demand use of bicycle lockers, within one hundred twenty days of a previous
1371 increase to the fee or range, unless the department is authorized to do so by the council by
1372 ordinance. However, for the convenience of bicycle locker users, the department may
1373 round up an increase in the hourly fee or fee range to the next highest increment of five
1374 cents, even if such rounding up would cause the hourly fee or fee range increase to exceed
1375 one hundred percent.

1376 K. The Metro transit department (~~((of transportation))~~) may contract with a vendor

1377 or other agent to operate the on-demand bicycle locker rental program.

1378 SECTION 29. Ordinance 16943, Section 4, and K.C.C. 4A.700.800 are each
1379 hereby amended to read as follows:

1380 A. The Metro transit (~~((division))~~) department shall assess a one-thousand-dollar
1381 fee to process each request to deactivate trolleybus wires for work related to construction
1382 projects taking place along electric trolleybus routes. The fee shall be payable in advance
1383 by the applicant. One-half of the fee shall be refundable if the applicant provides the
1384 department with a cancellation notice in sufficient time for the department to reassign
1385 trolleybuses to the affected routes and avoid the cost to deactivate the trolleywires and
1386 provide diesel substitute service. Parties may be exempt from paying the fee if prior
1387 agreements with the county exist as of October 25, 2010.

1388 B. In addition to the fee assessed under subsection A. of this section, the
1389 applicant shall also reimburse the Metro transit (~~((division))~~) department for actual costs
1390 incurred by the (~~((transit division))~~) department to deactivate the trolleywires and provide
1391 diesel substitute service in excess of one thousand dollars.

1392 C.1. The Metro transit (~~((division))~~) department shall establish by rule a procedure
1393 for collection of the fee assessed under subsection A. of this section, including provisions
1394 for advance payment and refunding the fee if the department receives a cancellation
1395 notice in time to avoid incurring additional actual costs to deactivate the trolleywires and
1396 provide diesel substitute service.

1397 2. The Metro transit (~~((division))~~) department shall establish by rule a procedure
1398 for recovering the actual costs incurred by the (~~((division))~~) department to deactivate the
1399 trolleywires and provide diesel substitute service, as authorized under subsection B. of

1400 this section.

1401 SECTION 30. Ordinance 7590, Section 7, as amended, and K.C.C. 9.08.060 are
1402 each hereby amended to read as follows:

1403 A. It is the finding of the county that the majority of the basins in the service area
1404 are shared with incorporated cities and towns. In order to achieve a comprehensive
1405 approach to surface and storm water management the county and incorporated jurisdictions
1406 within a specific basin shall coordinate surface and storm water, management services. In
1407 addition, the program may contract for services with interested municipalities or special
1408 districts including but not limited to sewer and water districts, school districts, port districts
1409 or other governmental agencies.

1410 B. It is the finding of the county that many of the difficulties found in the
1411 management of surface and storm water problems are contributed to by the general lack of
1412 public knowledge about the relationship between human actions and surface and storm
1413 water management. In order to achieve a comprehensive approach to surface and storm
1414 water management the county should provide general information to the public about land
1415 use and human activities that impact surface and storm water management. Pursuant to
1416 RCW 36.89.085, it is the finding of the county that public school districts can provide
1417 significant benefits to the county regarding surface and storm water management through
1418 educational programs and community activities related to protection and enhancement of
1419 the surface and storm water management system. These programs and activities can
1420 provide students with an understanding of human activities and land use practices that
1421 create surface and storm water problems and involve students by learning from first hand
1422 exposure, the difficulties of resolving surface and storm water management problems after

1423 they occur.

1424 C. It is the finding of the county that technical assistance and community education
1425 have been shown to be a cost-effective means of improving the management of the impacts
1426 of surface and storm water runoff. Technical assistance and community education
1427 regarding stewardship enables King County, its residents and businesses to comply with
1428 federal, state and local mandates and enables the county to protect its quality of life and its
1429 natural resources. The promotion of stewardship is an integral part of a comprehensive
1430 surface and storm water management program.

1431 D. It is the finding of the county that developed parcels contribute to an increase in
1432 surface and storm water runoff to the surface and storm water management system. This
1433 increase in surface and storm water runoff results in the need to establish rates and charges
1434 to finance the county's activities in surface and storm water management. Developed
1435 parcels shall be subject to the rates and charges of the surface water management program
1436 based on their contribution to increased runoff. The factors to be used to determine the
1437 degree of increased surface and storm water runoff to the surface and storm water
1438 management system from a particular parcel shall be the percentage of impervious surface
1439 coverage on the parcel, the total acreage of the parcel and any mitigating factors as
1440 determined by King County.

1441 E. It is the finding of the county that undeveloped parcels do not contribute as
1442 much as developed parcels to an increase in surface and storm water runoff into the surface
1443 and storm water management system. Undeveloped properties shall be exempt from the
1444 rates and charges of the surface water management program.

1445 F. It is the finding of the county that maintained drainage facilities mitigate the

1446 increased runoff contribution of developed parcels by providing on-site drainage control.
1447 Parcels served by flow control facilities that were required for development of the parcel
1448 pursuant to K.C.C. chapter 9.04 and approved by King County or can be demonstrated as
1449 required in K.C.C. 9.08.080 by the property owner to provide flow control of surface and
1450 storm water to the standards in K.C.C. chapter 9.04 shall receive a discount as provided
1451 in the rates and charges of the surface water management program, if the facility is
1452 maintained at the parcel owner's expense to the standard established by the department.

1453 G. It is the finding of the county that improvements to the quality of storm water
1454 runoff can decrease the impact of that runoff on the environment. Parcels served by
1455 water quality treatment facilities that were required for development of the parcel
1456 pursuant to K.C.C. chapter 9.04 and approved by King County or that can be
1457 demonstrated as required in K.C.C. 9.08.080 by the property owner to provide treatment
1458 of surface and storm water to the standards in K.C.C. chapter 9.04 shall receive a
1459 discount as provided in the rates and charges of the surface water management program,
1460 if the facility is maintained at the parcel owner's expense to the standard established by
1461 the department.

1462 H. It is the finding of the county that parcels with at least sixty-five percent of
1463 their land in forest, no more than twenty percent in impervious surface, and dispersed
1464 runoff from the impervious surface through the forested land resulting in an effective
1465 impervious area of ten percent or less for the entire parcel, do not contribute as much to
1466 an increase in surface and storm water runoff as properties with less forest that do not
1467 disperse. These properties shall be eligible to receive a discount as provided in the rates
1468 and charges of the surface water management program if the runoff from the impervious

1469 surface is dispersed in accordance with the standards established by the department.

1470 I. It is the finding of the county that parcels that make use of their pervious surface
1471 area to absorb storm water runoff from the impervious surfaces do not contribute as much
1472 to an increase in surface and storm water runoff as properties that do not use their pervious
1473 area to absorb runoff. These properties shall be eligible to receive a discount as provided in
1474 the rates and charges of the surface water management program if the runoff from the
1475 impervious surface is dispersed in accordance with the standards established by the
1476 department.

1477 J. It is a finding of the county that open space properties provide a benefit to the
1478 surface and storm water management system by the retention of property in an
1479 undeveloped state. Open space properties shall receive a discount from the rates and
1480 charges to encourage the retention of property as open space.

1481 K. It is a finding of the county that current scientific studies demonstrate that
1482 conservation and maintenance of forestland and open space contribute to the proper
1483 management of surface water quality and quantity. The scientific analysis performed in
1484 connection with the Cedar river, Issaquah creek and Bear creek basin plans have
1485 demonstrated that forests intercept and evaporate more rainfall, provide more soil storage,
1486 retain and trap more sediments and purify contaminated water better than any other land
1487 use. Conservation and maintenance of public forests, the provision of technical assistance
1488 and encouragement to private landowners to retain forests are effective ways to prevent
1489 disruption of natural hydrology. Open Space lands, to the extent that they retain their
1490 natural condition and do not contain impervious surface, also perform an important surface
1491 water function by not detracting from the functioning of natural hydrology systems.

1492 Conservation and maintenance of publicly owned open space and forestland is often more
1493 cost-effective than building and maintain artificial or engineered surface and storm water
1494 management facilities. Additional financial resources are required to conserve and
1495 maintain those natural resource lands that serve important surface and storm water
1496 management functions.

1497 L. It is a finding of the county that the majority of the parcels in the service area are
1498 residential. The variance between residential parcels in impervious surface coverage is
1499 found to be minor and to reflect only minor differences in increased runoff contributions.
1500 The administrative cost of calculating the service charge individually for each residential
1501 parcel and maintaining accurate information would be very high. A flat charge for
1502 residential parcels is less costly to administer than calculating a separate charge for each
1503 parcel and is equitable because of the similarities in impervious surface coverage between
1504 residential parcels. Therefore, residential parcels shall be charged a flat charge based upon
1505 an average amount of impervious surface.

1506 M. It is a finding of the county that very lightly developed nonresidential parcels
1507 that have an impervious surface coverage of ten percent or less of the total parcel acreage
1508 are characterized by a very low intensity of development and generally a large number of
1509 acres. A greater number of acres of undeveloped land associated with an impervious
1510 surface results in significantly less impact to the surface and storm water management
1511 system. Many of the very lightly developed properties are recreational, agricultural and
1512 timber lands identified in the King County Comprehensive Plan and should be encouraged
1513 to retain their low intensity of development. These parcels shall be charged a flat rate to
1514 encourage the retention of large areas of very lightly developed land.

1515 N. It is the finding of the county that lightly to very heavily developed
1516 nonresidential parcels that have an impervious surface coverage of more than ten percent
1517 have a substantial impact on the surface and storm water management system. The impact
1518 of these parcels on the surface and storm water management system increases with the size
1519 of the parcels. Therefore, lightly to very heavily developed properties shall be charged a
1520 rate determined by the percent of impervious surface coverage multiplied by the parcel
1521 acreage.

1522 O. It is a finding of the county that county and state roads contribute a significant
1523 amount of increased runoff to the surface and storm water management system, which
1524 contributes to the need for basin planning, drainage facilities and other related services.
1525 However, both the county roads and state highway programs provide substantial annual
1526 programs for the construction and maintenance of drainage facilities, and the roads systems
1527 and their associated drainage facilities serve as an integral part of the surface and storm
1528 water management system. The rate charged county roads and state highways shall reflect
1529 the benefit that county roads and state highway facilities provide to the surface and storm
1530 water management system. County and state road drainage systems unlike the drainage
1531 systems on other properties are continually being upgraded to increase both conveyance
1532 capacity and control. It is envisioned that the roads program will work cooperatively with
1533 the surface water management program to improve regional surface and storm water
1534 management services as new information is available from basin plans and other sources.
1535 The percentage of impervious surface coverage for county roads and state highways shall
1536 be calculated by dividing average width of roadway and shoulder by the average width of
1537 the right of way. The service charge shall be calculated in accordance with RCW

1538 90.03.525.

1539 P. It is the finding of the county that comprehensive management of surface and
1540 storm water runoff must include anticipation of future growth and development in the
1541 design and improvement of the surface and storm water management system. Service
1542 charge revenue needs shall be based upon the present and future requirements of the
1543 surface and storm water management system, and these needs shall be considered when
1544 determining the rates and charges of the program.

1545 Q. It is the finding of the county that basin plans are essential to establishing a
1546 comprehensive approach to a capital improvement program, maintenance of facilities and
1547 regulation of new developments. A plan should analyze the measures needed to control
1548 surface and storm water runoff that results from existing and anticipated development
1549 within the basin. The measures investigated to control runoff should include land use
1550 regulation such as setback requirements or community plan revisions that revise land use
1551 densities as well as the use of drainage facilities. A plan also should recommend the
1552 quantity and water quality runoff control measures required to further the purposes set forth
1553 in K.C.C. 9.08.040, and community goals. The institutional requirements and regulations,
1554 including but not limited to land use management, funding needs, and incentives for
1555 preserving the natural surface water drainage system should be identified in the plan. The
1556 proposed ordinances and regulations necessary to implement the plan shall be transmitted
1557 to the council simultaneously with the plan.

1558 R. It is a finding of the county that the federal government has increased
1559 requirements concerning surface water quantity and control. The federal Clean Water Act,
1560 implemented through municipal storm water NPDES permits, mandates a wide variety of

1561 local programs to manage surface water and improve water quality. Compliance will
1562 increasingly be measured by the effectiveness of King County's surface water and water
1563 quality programs. The NPDES permit impacts operations in the roads, solid waste,
1564 ~~((transit and))~~ parks and airport divisions~~((, the airport))~~ and the department of permitting
1565 and environmental review and the Metro transit department, and most activities in the
1566 water and land resources division.

1567 S. It is a finding of the county that Chinook salmon were listed as a threatened
1568 species in March 1999, and bull trout were listed as a threatened species in November
1569 1999, under the federal Endangered Species Act. These listings focus the need for higher
1570 standards in managing surface water including new, expanded and more intensive
1571 programs to control the quantity of runoff as well as its quality. Programs responding to
1572 these imperatives have included the design, permitting and construction of facilities,
1573 facility retrofitting and maintenance, habitat acquisition and restoration, monitoring,
1574 regulation development and coordination with other agencies on transboundary issues.

1575 T. It is the finding of the county that areas with development related surface and
1576 storm water problems require comprehensive management of surface and storm water.

1577 U. It is the finding of the county that additional surface and storm water runoff
1578 problems may be caused by new land use development if not properly mitigated both
1579 through protection of natural systems and through constructed improvements. The Surface
1580 Water Design Manual and K.C.C Titles 9, 16, 20 and 21A have been adopted by King
1581 County to mitigate the impact of land use development. Further mitigation of these
1582 impacts is based on expertise that continues to evolve as new information on our natural
1583 systems is obtained and new techniques are discovered. The surface water management

1584 program, through reconnaissance studies, basin plans, and other special studies, will
1585 continuously provide valuable information on the existing problems and areas of the
1586 natural drainage system that need special protection. The county is researching and
1587 developing methods to protect the natural drainage system through zoning, buffering and
1588 setbacks to alleviate existing problems. Setback and buffering measures allow natural
1589 preservation of wetlands and stream corridors to occur, alleviate erosion and water
1590 pollution and provide a safe environment for the small mammals and fish that inhabit
1591 sensitive areas. Based upon the findings in this subsection, and as information and
1592 methods become available, the executive, as appropriate shall draft and submit to the
1593 council, regulations and development standards to allow protection of the surface and storm
1594 water management system including natural drainage systems.

1595 V. It is the finding of the county that the unique stormwater needs of the
1596 unincorporated rural area of the county require that the county's surface water management
1597 program established under chapter 36.89 RCW develop a rural drainage program. The
1598 intent of this rural drainage program is to provide a means through which existing and
1599 emerging surface water problems in the rural areas can be addressed in a manner that
1600 preserves both rural resources and rural activities including agriculture and forestry. Rural
1601 drainage services provided by the division shall support a rural level of development and
1602 not facilitate urbanization. This rural drainage program shall result in a program consistent
1603 with Countywide Planning Policies and King County Comprehensive Plan policies.

1604 W. The program will maintain long-term fiscal viability and fund solvency for all
1605 of its related funds. All required capital and operating expenditures will be covered by
1606 service charges and other revenues generated or garnered by the program. The program

1607 will pay all current operating expenses from current revenues and will maintain an
1608 operating reserve to minimize service impacts due to revenue or expenditure variances
1609 from plan during a fiscal year. This reserve will be calculated based on the historic
1610 variability of revenue and expenditures. The program will adopt a strategic financial
1611 planning approach that recognizes the dynamic nature of the program's fiscal operating
1612 environment. Long-term projections will be updated in the program's adopted strategic
1613 plan. One-time revenues will be dedicated to one-time-only expenditures and will not be
1614 used to support ongoing requirements. The program's approach to financial reporting and
1615 disclosure will be comprehensive, open and accessible.

1616 X. The program shall prepare an annual, multiyear capital improvement program
1617 that encompasses all of the program's activities related to the acquisition, construction,
1618 replacement, or renovation of capital facilities or equipment. All proposed new facilities
1619 will be subject to a consistent and rigorous needs analysis. The program's capital facilities
1620 will be planned and financed to ensure that the benefits of the facilities and the costs for
1621 them are balanced over time.

1622 Y. The program will manage its debt to ensure continued high credit quality,
1623 access to credit markets, and financial flexibility. All of the program's debt management
1624 activities will be conducted to maintain at least the current credit ratings assigned to the
1625 county's debt by the major credit rating agencies and to maintain an adequate debt service
1626 coverage ratio. Long-term debt will not be used to support operating expenses. The
1627 program will develop and maintain a central system for all debt-related records that will
1628 include all official statements, bid documents, ordinances indentures, leases, etc., for all of
1629 the program's debt and will accurately account for all interested earnings in debt-related

1630 funds. These records will be designed to ensure that the program is in compliance with all
1631 debt covenants and with state and federal laws.

1632 SECTION 31. Ordinance 1709, Section 6, as amended, and K.C.C. 13.24.080 are
1633 each hereby amended to read as follows:

1634 A utilities technical review committee is created consisting of the following
1635 representatives:

1636 A. Two representatives from the department of natural resources and parks, one
1637 to be appointed by the department's director and one to be the director or the director's
1638 designee;

1639 B. The director of the department of transportation or the director's designee;

1640 C. The director of the Metro transit department or the director's designee;

1641 D. The director of the department of permitting and environmental review or the
1642 director's designee;

1643 ~~((D:))~~ E. The director of the Seattle-King County department of public health or
1644 the director's designee;

1645 ~~((E:))~~ F. The director of the facilities management division of the department of
1646 executive services or the director's designee;

1647 ~~((F:))~~ G. One representative from the King County council staff; and

1648 ~~((G:))~~ H. The county demographer.

1649 SECTION 32. Ordinance 16147, Section 2, as amended, and K.C.C. 18.17.010
1650 are each hereby amended to read as follows:

1651 The definitions in this section apply throughout this chapter unless the context
1652 clearly requires otherwise.

1653 A. "Capital project" refers to a project with a scope that includes one or more of
1654 the following elements: acquisition of a site or acquisition of an existing structure, or
1655 both; program or site master planning; environmental analysis; design; construction;
1656 major equipment acquisition; reconstruction; demolition; or major alteration of a capital
1657 asset. A capital project shall include: a project program plan; scope; budget by task; and
1658 schedule.

1659 B. "County green building team" or "green building team" means a group that
1660 includes representatives from county agencies with capital project or building
1661 management staff including, but not limited to, the department of transportation, the
1662 Metro transit department, the department of natural resources and parks, the department
1663 of executive services, the department of permitting and environmental review, the
1664 department of public health, the historic preservation program and the department of
1665 community and human services. The members represent staff with expertise in project
1666 management, construction management, architecture, landscape architecture,
1667 environmental planning, design, engineering, historic preservation and resource
1668 conservation, public health, building energy systems, building management, budget
1669 analysis and other skills as needed. The green building team provides assistance and
1670 helps to disseminate information to project managers in all county agencies.

1671 C. "Facility" means all or any portion of buildings, structures, infrastructure,
1672 sites, complexes, equipment, utilities and conveyance lines.

1673 D. "GreenTools program" means the support team located within the solid waste
1674 division of the department of natural resources and parks that provides green building
1675 technical assistance to county divisions, cities and the general public within King County.

1676 E. "Integrative design process" means an approach to project design that seeks to
1677 achieve high performance on a wide variety of well-defined environmental and social
1678 goals while staying within budgetary and scheduling constraints. It relies on a
1679 multidisciplinary and collaborative team whose members make decisions together based
1680 on a shared vision and a holistic understanding of the project. It is an iterative process
1681 that follows the design through the entire project life, from predesign through operation.

1682 F. "Leadership in Energy and Environmental Design" or "LEED" means a
1683 voluntary, consensus-based national standard for developing high-performance,
1684 sustainable buildings, created by the United States Green Building Council.

1685 G. "LEED-eligible building" means a project larger than five thousand gross
1686 square feet of occupied or conditioned space that meets the minimum program
1687 requirements for LEED certifications.

1688 H. "Major remodel or renovation" means work that demolishes space down to the
1689 shell structure and rebuilds it with new interior walls, ceilings, floor coverings and
1690 systems, when the work affects more than twenty-five percent of a LEED-eligible
1691 building's square footage and the affected space is at least five thousand square feet or
1692 larger.

1693 I. "Minor remodel or renovation" means any type of remodel or renovation that
1694 does not qualify as a major remodel or renovation.

1695 J. "New construction" means a new building or structure.

1696 K. "Present value" means the value on a given date of a future payment or series
1697 of future payments, discounted to reflect the time value of money and other factors such
1698 as investment risk.

1699 L. "Retrocommissioning" is a detailed, systematic process for investigating an
1700 existing building's operations and identifying ways to improve performance. The
1701 primary focus is to identify operational improvements to obtain comfort and energy
1702 savings.

1703 M. "Sustainable development practices" means whole system approaches to the
1704 design, construction and operation of buildings and infrastructure that help to mitigate the
1705 negative environmental, economic, health and social impacts of construction, demolition,
1706 operation and renovation while maximizing the facilities' positive fiscal, environmental
1707 and functional contribution. Sustainable development practices recognize the
1708 relationship between natural and built environments and seek to minimize the use of
1709 energy, water and other natural resources while providing maximum benefits and
1710 contribution to service levels to the system and the connecting infrastructures.

1711 N. "Sustainable infrastructures" means those infrastructures and facilities that are
1712 designed, constructed and operated to optimize fiscal, environmental and functional
1713 performance for the lifecycle of the facility. Sustainable performance of infrastructure
1714 shall be determined through an integrated assessment, one that accounts for fiscal,
1715 environmental and functional costs and benefits, over the life of the facility.

1716 O. "Sustainable Infrastructure Scorecard" is an alternative green building and
1717 sustainable development rating system developed by the county green building team as
1718 required by K.C.C. 18.17.020.E. The Sustainable Infrastructure Scorecard was
1719 developed for capital projects that are not eligible for the LEED rating system.

1720 SECTION 33. Ordinance 16147, Section 3, as amended, and K.C.C. 18.17.020
1721 are each hereby amended to read as follows:

1722 A. The intent of this policy is to ensure that the planning, design, construction,
1723 remodeling, renovation, maintenance and operation of any King County-owned or
1724 financed capital project is consistent with the latest green building and sustainable
1725 development practices.

1726 B. This policy applies to all King County-owned or lease-to-own capital projects,
1727 excluding projects that have already completed thirty percent of the design phase by
1728 August 1, 2014. This policy also applies to housing projects partly or totally financed by
1729 King County that are required by law to follow statewide green building standards in that
1730 it requires such projects to report on the statewide green building standards.

1731 C. All capital projects to which this chapter applies shall utilize relevant green
1732 building and sustainable development criteria to implement sustainable development
1733 practices in planning, design, construction and operation as set forth in this chapter.

1734 D. All LEED-eligible new construction shall be registered through the United
1735 States Green Building Council and should plan for and achieve a LEED Platinum
1736 certification, as long as a Platinum certification can be achieved with no incremental cost
1737 impact to the general fund over the life of the asset and an incremental cost impact of no
1738 more than two percent to other funds over the life of the asset, as compared to a project
1739 that is not seeking a green building or sustainable development rating system
1740 certification. The incremental cost impact shall be determined as described in subsection
1741 G. of this section.

1742 E. All LEED-eligible major remodels and renovations shall be registered through
1743 the United States Green Building Council and should plan for and achieve a LEED Gold
1744 certification, as long as a Gold certification can be achieved with no incremental cost

1745 impact to the general fund over the life of the asset and an incremental cost impact of no
1746 more than two percent to other funds over the life of the asset, as compared to a project
1747 that is not seeking a green building or sustainable development rating system
1748 certification. The incremental cost impact shall be determined as described in subsection
1749 G. of this section.

1750 F. All capital projects, where the scope of the project or type of structure limits
1751 the ability to achieve LEED certification, shall incorporate cost-effective green building
1752 and sustainable development practices based on relevant LEED criteria and other
1753 applicable sustainable development goals and objectives. These projects shall use the
1754 King County or division-specific Sustainable Infrastructure Scorecard, along with
1755 guidelines for using the scorecard. Each Sustainable Infrastructure Scorecard project
1756 shall plan for and achieve a Platinum rating as long as a Platinum rating can be achieved
1757 with no incremental cost impact to the general fund over the life of the asset and an
1758 incremental cost impact of no more than two percent to other funds over the life of the
1759 asset as compared to a project not achieving a green building or sustainable development
1760 rating. The incremental cost impact shall be determined as described in subsection G. of
1761 this section. If a Platinum rating cannot be achieved with no incremental cost impact to
1762 the general fund and an incremental cost impact of no more than two percent to other
1763 funds over the life of the asset as compared to a project not achieving a green building or
1764 sustainable development rating, a Sustainable Infrastructure Scorecard project shall plan
1765 for and achieve a Gold rating. If a Gold rating cannot be achieved with no incremental
1766 cost impact to the general fund over the life of the asset and an incremental cost impact of
1767 no more than two percent to other funds over the life of the asset, Sustainable

1768 Infrastructure Scorecard projects shall plan for and achieve a silver rating where
1769 practicable. Silver is the lowest allowable rating for Sustainable Infrastructure Scorecard
1770 projects. For small, related capital projects that are implemented as part of a program, a
1771 project scorecard and reporting requirements may be done for the program rather than for
1772 each individual small project. For reporting purposes, county divisions may apply a
1773 single Sustainable Infrastructure Scorecard for a bundle of small capital projects in the
1774 most efficient manner as determined by the county division director to reflect the
1775 division's line of business.

1776 G.1. For each project subject to subsections E. and F. of this section, at or before
1777 the time the project has reached thirty percent of the design phase, the project team shall
1778 conduct an analysis that determines the incremental costs for achieving the rating
1779 required in subsection D. or E. of this section as compared to a project that is not seeking
1780 a green building or sustainable development rating system certification. The analysis
1781 shall include the up-front incremental construction costs, the up-front costs of registration
1782 and certification and the present value of operations and maintenance cost savings over
1783 the life of the asset. For the purposes of this analysis, operations and maintenance cost
1784 savings shall be comprised of projected costs the county will incur over the life of the
1785 asset. The costs included in this analysis shall be quantifiable, documented and verifiable
1786 by third-party review upon project completion and thereafter.

1787 2. At thirty percent of the design phase and project completion, the project team
1788 shall submit to the green building team a completed LEED checklist or Sustainable
1789 Infrastructure Scorecard that documents which LEED or scorecard points that the project
1790 expects to achieve.

1791 3. For projects achieving a LEED rating, the project team shall ensure that
1792 energy efficiency is given the highest priority. Project teams shall submit a completed
1793 LEED checklist, which documents which LEED points the project team expects to
1794 achieve, to the green building team, initially at the schematic or thirty percent design
1795 phase of the project and then at the completion of the project.

1796 4. If it is determined that costs are too high to achieve a LEED rating required in
1797 subsection D. or E. of this section, or that the project is unable to achieve that rating for
1798 technical reasons, projects shall achieve the highest rating possible with no incremental
1799 cost impact to the general fund over the life of the asset and an incremental cost impact of
1800 no more than two percent to other funds over the life of the asset as compared to a project
1801 that is not seeking a green building or sustainable development rating system
1802 certification. There may be extenuating circumstances for some LEED-eligible projects
1803 that make it cost prohibitive to achieve any level of LEED certification. These projects
1804 must submit a written summary to the director of the department managing the project for
1805 approval, documenting the reasons why the project is not getting a LEED certification.

1806 H. All housing projects financed by King County and owned and managed by
1807 either a housing authority or nongovernmental agency under contract with King County
1808 that are required by RCW 39.35D.080 or other applicable authority to use a statewide
1809 green building standard for affordable housing, shall submit a copy of the green building
1810 standard checklist to the green building team. The department of community and human
1811 services shall submit the statewide green building standard checklist to the green building
1812 team at project completion.

1813 I. Transit oriented development initiated by the Metro transit department shall

1814 follow the same green building standards and requirements as other King County capital
1815 projects. If required by RCW 39.35D.080 and other applicable authority, transit-oriented
1816 affordable housing projects in which the affordable housing is financed in whole or in
1817 part by King County shall follow the statewide green building standards.

1818 J. A project may request use of an alternative green building or sustainability
1819 rating system in lieu of LEED or the Sustainable Infrastructure Scorecard. Alternative
1820 green building and sustainable rating systems include: the Evergreen Sustainable
1821 Development Standard, administered by the Washington state Department of Commerce;
1822 the Built Green Four-Star administered by the Master Builders Association of King and
1823 Snohomish Counties; Sustainable Sites Initiative Program, developed by the American
1824 Society of Landscape Architects and Lady Bird Johnson Wildflower Center and United
1825 States Botanical Garden; Salmon Safe founded by the Stewardship Partners; or the Living
1826 Building Challenge administered by the International Living Future Institute. A project
1827 manager shall make a request to use an alternative green building rating system to the
1828 department director responsible for that project and to the green building team if a project
1829 elects not to use the LEED Rating System. The project's department director in
1830 consultation with the Green Building Team, shall make the final determination. All
1831 projects using an alternative green building or sustainable development rating system
1832 shall plan for and achieve the highest certification level that can be achieved with no
1833 incremental cost impact to the general fund over the life of the asset and an incremental
1834 cost impact of no more than two percent to other funds over the life of the asset, as
1835 compared to a project that is not seeking certification.

1836 K. For those projects that only involve making either renewable energy

1837 improvements or energy efficiency improvements, or both, at or before the project has
1838 reached thirty percent of the design phase, the project team shall conduct an analysis that
1839 determines the incremental costs of making such improvements. The costs to be included
1840 in this analysis shall include the up-front incremental construction costs and the present
1841 value of the operations and maintenance cost savings over the life of the asset. For the
1842 purposes of this analysis, operations and maintenance cost savings shall be comprised of
1843 projected costs the county will incur over the life of the asset. The costs included in this
1844 analysis shall be quantifiable, documented and verifiable by third-party review upon
1845 project completion and thereafter.

1846 L. To help achieve a standard level of green building operations in existing
1847 buildings, the green building team, in coordination with divisions that have capital project
1848 or building management staff and the GreenTools technical support team, shall develop a
1849 set of both mandatory and recommended green building operational guidelines for
1850 divisions to incorporate into their facility operations procedures. The guidelines shall
1851 provide direction on the use of green practices in minor remodels and renovations, water
1852 and energy conservation, waste reduction and recycling expectations, green cleaning
1853 standards and retrocommissioning to improve a facility's operating performance.

1854 M.1. The executive shall report on the progress of implementing this section in
1855 accordance with K.C.C. 18.50.010. Reporting requirements and criteria for green
1856 building metrics shall be consistent with the annual environmental sustainability report
1857 on King County's climate, energy, green building and environmentally preferred
1858 purchasing programs and the Strategic Climate Action Plan. Required green building
1859 reporting criteria shall be included in the county's project information center database,

1860 managed by the office of performance, strategy and budget. The project information
1861 center database shall be compatible and function with all county division capital project
1862 management systems to streamline and avoid duplicative reporting efforts. The green
1863 building team's program manager shall have access to data in the project information
1864 center database. All divisions responsible for capital improvement projects or facility
1865 management shall provide information detailing the green building and sustainable
1866 development accomplishments for the previous year. The information shall be provided
1867 to the green building team, either in hard copy or electronically. Information to be
1868 submitted shall include, but not be limited to:

- 1869 a. the total number of capital projects a division is responsible for;
- 1870 b. the total number of LEED projects;
- 1871 c. the total number of Sustainable Infrastructure Scorecard projects;
- 1872 d. the total number of alternative green building or sustainable development
1873 rating system projects, and other sustainable development projects, such as historic
1874 restoration and adaptive reuse,;
- 1875 e. the additional costs associated with achieving LEED certification;
- 1876 f. the total number of projects using an integrative design process;
- 1877 g. the green building and sustainable development strategies employed;
- 1878 h. the operations and maintenance costs for all completed projects
1879 incorporating green building principles and practices and projects incorporating
1880 renewable energy or energy efficiency components, as well as the operations and
1881 maintenance costs that were projected before construction;
- 1882 i. the fiscal performance of all projects incorporating green building principles

1883 and practices including an accounting of all project costs and benefits that can be
1884 quantified, documented and verified;

1885 j. projected and actual energy savings measured;

1886 k. projected and actual water savings;

1887 l. a construction and demolition plan and a construction and demolition report,
1888 both of which include the diversion percentage rate and tonnage;

1889 m. actual environmentally preferable products used;

1890 n. projected and actual greenhouse gas emissions and saving based on the
1891 reporting that is required in the project information center database; at minimum,
1892 greenhouse gas calculations shall include the greenhouse gas emissions associated with
1893 energy and water usage, transportation impacts and construction and demolition
1894 diversion. When possible the calculation shall include the greenhouse gas savings
1895 associated with use of green strategies and environmentally preferable products;

1896 o. projected and actual transportation impacts, including the transportation-
1897 related greenhouse gas emissions associated with the project; and

1898 p. other reporting criteria that may be identified in the future.

1899 2. Housing projects financed by King County and owned by either a housing
1900 authority or nongovernmental agency under contract with King County are exempted
1901 from the annual reporting requirements under subsection M.1. of this section.

1902 3. The green building team, along with other relevant sustainability programs,
1903 and the office of performance, strategy and budget shall develop and determine consistent
1904 understandable and relevant baselines and measurement units that are applicable to
1905 diverse lines of business. Reporting criteria and performance measures shall be

1906 consistent with other related environmental requirements.

1907 4. The process for reporting for projects grouped by program shall be
1908 determined by each division with the course of action that best captures green building
1909 performance for small projects grouped by program. Divisions may consider joint review
1910 of its small projects with the green building team program manager for assistance with
1911 scorecard and annual reporting compliance.

1912 N. Green building requirements should be included by the procurement services
1913 section of the department of executive services, where possible and appropriate, in capital
1914 design and construction contracts, bid documents and technical specifications. The
1915 project manager responsible for the capital project shall collaborate with procurement
1916 services section staff to determine where green building requirements are appropriate. As
1917 applicable, requests for proposals and qualifications should include a list or description of
1918 LEED experience. Procurement documents that relate to construction or capital projects
1919 shall cite this chapter. The green building team shall develop minimum standards for
1920 building projects that address the monitoring of energy and water using systems that help
1921 meet energy and climate goals, and provide real time interfaces to ensure ongoing
1922 efficient operations.

1923 O. The green building team shall coordinate and share information about the use
1924 of sustainable development practices countywide and, with assistance from the
1925 GreenTools program, develop tools and training for project managers to implement this
1926 legislation. Its role includes:

1927 1. Helping to assess regionally appropriate green building and sustainable
1928 development practices;

- 1929 2. Developing regionally appropriate building and infrastructure design
1930 standards and guidelines;
- 1931 3. Developing tools and procedures for assessing life-cycle fiscal,
1932 environmental and functional costs and benefits;
- 1933 4. Convening and facilitating sustainable development planning and charrette
1934 workshops;
- 1935 5. Evaluating performance of projects and facilities, including conducting post
1936 occupancy surveys, energy and water use audits and evaluating benefits realized; and
- 1937 6. Tracking and reporting progress on implementation of green building and
1938 sustainable development practices.

1939 P. Each division with capital project, operations and maintenance, building
1940 management, permitting or housing staff shall designate one or more green building team
1941 member or members. The team member is expected to regularly attend meetings and
1942 actively participate in disseminating sustainable development practices information back
1943 to the respective division. Green building team members should also receive either
1944 specialized training or additional training, or both, in green building design and should be
1945 encouraged to achieve the LEED Accredited Professional designation, as appropriate.

1946 Q. County capital improvement project managers that are currently managing or
1947 will manage projects that fit the criteria in subsections D. and E. of this section are
1948 responsible for attending appropriate LEED and sustainable development training and
1949 annual refresher courses. Trainings shall be coordinated by the green building team.

1950 R. The GreenTools program shall provide technical support for the county green
1951 building team and to cities and the general public in the county as appropriate, including,

1952 but not limited to, training on LEED and other green building and sustainable
1953 development technologies, research, project review, assisting with budget analysis and
1954 convening groups to develop strategies and policies relating to green buildings and
1955 sustainable infrastructures.

1956 S. The green building team shall work with the historic preservation program to
1957 develop a pilot format of the Sustainable Infrastructure Scorecard applicable to
1958 renovations of facilities listed under the county's historic preservation program and
1959 funded through King County. The preservation, restoration and adaptive reuse of
1960 existing buildings is an important green building strategy because historic preservation is,
1961 in itself, sustainable development. As part of the county green building strategy, the
1962 county shall preserve and restore the historic landmarks and properties eligible for
1963 landmark designation that are owned by the county, except in cases where a certificate of
1964 appropriateness is granted by the King County landmarks commission. Projects
1965 involving designated landmarks or properties that are eligible for landmark designation
1966 shall seek to maximize green building strategies such as natural daylighting and passive
1967 ventilation. However, the King County landmarks commission or other applicable
1968 regulatory body may waive requirements of this section upon issuing findings that strict
1969 compliance with this chapter would adversely affect the historic character of the resource
1970 in question, or that there are no feasible alternatives for preservation.

1971 T. The green building and sustainable development practices in this policy are
1972 intended to ensure high performance in energy, water and waste reduction. In addition to
1973 the requirements of this chapter, the following minimum requirements shall be applied to
1974 all projects when applicable:

1975 1. Meet energy and climate goals and performance requirements as directed in
1976 the King County Strategic Climate Action Plan, developed under K.C.C. chapter 18.25.
1977 The project team shall ensure that energy efficiency is given the highest priority;

1978 2. Meet King County Surface Water Design Manual Standards and
1979 requirements, regardless of jurisdiction location. If a project is located in a jurisdiction
1980 where the surface water design manual standards and requirements are different than
1981 King County's, the project shall implement the more stringent requirement; and

1982 3. By 2025, achieve an eighty-five percent diversion rate for construction and
1983 demolition materials with an eighty percent diversion rate achieved by 2016.

1984 U. The King County Strategic Climate Action Plan includes goals and measures
1985 related to green building. To encourage green building practices on a community wide
1986 level, King County shall implement practices that will increase the awareness,
1987 certification, and innovation in green building and sustainable development. Efforts shall
1988 include, but not be limited to, the following:

1989 1. The department of permitting and environmental review shall develop a
1990 handbook that includes, but is not limited to: a comprehensive inventory of green
1991 building techniques and materials for relevant county customer base; a description of
1992 permitting application materials related to various green building techniques; and
1993 instructional details that inform county staff on how to review permitting applications
1994 that involve new or rarely-used green building techniques and materials;

1995 2. The department of public health, water and land resources division of the
1996 department of natural resources and parks, and department of permitting and
1997 environmental review staff who review and approve permits related to development will

1998 receive training in green building and high performance rating systems, such as Built
1999 Green Emerald Star and the Living Building Challenge. An interagency review
2000 committee will be formed with members from permitting agencies, including the
2001 department of public health, water and land resources division of the department of
2002 natural resources and parks, department of permitting and environmental review and the
2003 Green Building Team, to facilitate review of projects that involve multiple green building
2004 systems and to facilitate approval of buildings using high performance rating systems or
2005 features;

2006 3. The department of permitting and environmental review shall participate in
2007 the existing regional code collaboration to unify building department codes throughout
2008 King County that promote green building. The development of unified green codes
2009 encourages economic growth and environmental sustainability, and is an integral tenet of
2010 the King County Strategic Plan. Applicable code revisions will be adopted, with initial
2011 emphasis on minimum recycling requirements for construction and demolition projects;
2012 and

2013 4. The department of public health, water and land resources division of the
2014 department of natural resources and parks and department of permitting and
2015 environmental review shall implement a Living Building Challenge demonstration
2016 ordinance in partnership with members of the regional code collaboration to promote and
2017 encourage carbon neutral buildings and development. These departments will utilize the
2018 International Living Future Institute's guidelines to develop best management practices
2019 associated with this certification.

2020 SECTION 34. Ordinance 4461, Section 2, as amended, and K.C.C. 20.22.040 are

2021 each hereby amended to read as follows:

2022 The examiner shall issue final decisions in the following cases:

2023 A. Appeals of orders of the ombuds under the lobbyist disclosure code, K.C.C.
2024 chapter 1.07;

2025 B. Appeals of sanctions of the finance and business operations division in the
2026 department of executive services imposed under K.C.C. chapter 2.97;

2027 C. Appeals of career service review committee conversion decisions for part-time
2028 and temporary employees under K.C.C. chapter 3.12A;

2029 D. Appeals of electric vehicle recharging station penalties of the Metro transit
2030 department ((of transportation)) under K.C.C. 4A.700.700;

2031 E. Appeals of notice and orders of the manager of records and licensing services
2032 or the director of permitting and environmental review under K.C.C. chapter 6.01;

2033 F. Appeals of adult entertainment license denials, suspensions and revocations
2034 under K.C.C. chapter 6.09;

2035 G. Appeals of the fire marshal's decisions on fireworks permits under K.C.C.
2036 chapter 6.26;

2037 H. Appeals of cable franchise nonrenewals under K.C.C. 6.27A.060 and notices
2038 and orders under K.C.C. 6.27A.240;

2039 I. Appeals of notices and orders of the department of natural resources and parks
2040 under K.C.C. chapter 7.09;

2041 J. Appeals of decisions of the director of the department of natural resources and
2042 parks on surface water drainage enforcement under K.C.C. chapter 9.04;

2043 K. Appeals of decisions of the director of the department of natural resources and

2044 parks on requests for rate adjustments to surface and storm water management rates and
2045 charges under K.C.C. chapter 9.08;

2046 L. Appeals of decisions on water quality enforcement under K.C.C. chapter 9.12;

2047 M. Appeals of notices and orders of the manager of animal control under K.C.C.
2048 chapter 11.04;

2049 N. Certifications by the finance and business operations division of the
2050 department of executive services involving K.C.C. chapter 12.16;

2051 O. Appeals of orders of the office of civil rights under K.C.C. chapter 12.17,
2052 K.C.C. chapter 12.18, K.C.C chapter 12.20 and K.C.C. chapter 12.22;

2053 P. Appeals of noise-related orders and citations of the department of permitting
2054 and environmental review under K.C.C. chapter 12.86;

2055 Q. Appeals of utilities technical review committee determinations on water
2056 service availability under K.C.C. 13.24.090;

2057 R. Appeals of decisions regarding mitigation payment system, commute trip
2058 reduction and intersection standards under K.C.C. Title 14;

2059 S. Appeals of suspensions, revocations or limitations of permits or of decisions of
2060 the board of plumbing appeals under K.C.C. chapter 16.32;

2061 T. Appeals of all Type 2 decisions under K.C.C. chapter 20.20, with the
2062 exception of appeals of shoreline permits, including shoreline substantial development
2063 permits, shoreline variances and shoreline conditional uses, which are appealable to the
2064 state Shoreline Hearings Board;

2065 U. Appeals of SEPA decisions, as provided in K.C.C. 20.44.120 and public rules
2066 adopted under K.C.C. 20.44.075;

2067 V. Appeals of completed farm management plans under K.C.C. 21A.30.045;

2068 W. Appeals of decisions of the interagency review committee created under
2069 K.C.C. 21A.37.070 regarding sending site applications for certification under K.C.C.
2070 chapter 21A.37;

2071 X. Appeals of citations, notices and orders, notices of noncompliance, stop work
2072 orders issued pursuant to K.C.C. Title 23 or Title 1.08 of the rules and regulations of the
2073 King County board of health;

2074 Y. Appeals of notices and certifications of junk vehicles to be removed as a
2075 public nuisance as provided in K.C.C. Title 21A and K.C.C. chapter 23.10;

2076 Z. Appeals of decisions not to issue a citation or a notice and order under K.C.C.
2077 23.36.010.A.2;

2078 AA. Appeals of permit fee estimates and billings by the department of permitting
2079 and environmental review, as provided in K.C.C. chapter 27.50;

2080 BB. Appeals from decisions of the department of natural resources and parks
2081 related to permits, discharge authorizations, violations and penalties under K.C.C.
2082 28.84.050 and 28.84.060;

2083 CC. Appeals of transit rider suspensions under K.C.C. 28.96.430;

2084 DD. Appeals of department of public safety seizures and intended forfeitures,
2085 when properly designated by the chief law enforcement officer of the department of
2086 public safety as provided in RCW 69.50.505; and

2087 EE. Other applications or appeals that are prescribed by ordinance.

2088 SECTION 35. Ordinance 18709, Section 4, and K.C.C. 20.22.195, are each
2089 hereby amended to read as follows:

2090 For rider suspension appeals under K.C.C. 28.96.430:

2091 A. The examiner shall review the facts and the legal basis for the suspension.

2092 The ~~((transit division in the))~~ Metro transit department ~~((of transportation))~~ shall bear the
2093 burden of proving by a preponderance of the evidence both the violation and that the
2094 sanction it has imposed is consistent with King County ordinances and ~~((transit division))~~
2095 department policy. Absent contrary evidence, the ~~((transit division))~~ Metro transit
2096 officer's report is sufficient to fulfill the requirements of K.C.C. 20.22.130 and meet the
2097 ~~((division's))~~ department's burden of proof. A criminal conviction for the same conduct
2098 underlying the suspension will be dispositive of any factual challenge to the suspension.
2099 A criminal conviction shall not be dispositive of any other challenge, such as a
2100 jurisdictional challenge, to the suspension. Exoneration or a finding of "not guilty" on a
2101 criminal charge for the same conduct underlying the suspension shall result in the
2102 examiner finding that the suspension lacks a sufficient factual basis and vacating the
2103 suspension. Dispositional continuances or deferred prosecutions shall have no bearing on
2104 the examiner's factual findings.

2105 B. Individuals appealing their suspensions may not challenge the constitutionality
2106 of the suspension process through an examiner appeal.

2107 SECTION 36. Ordinance 17971, Section 2, as amended, and K.C.C. 28.30.010
2108 are each hereby amended to read as follows:

2109 The definitions in this section apply throughout this chapter unless the context
2110 clearly requires otherwise.

2111 A. "Additionality" means the principle of achieving net greenhouse gas emissions
2112 savings over and above those that would have arisen anyway in the absence of a given

2113 activity or project.

2114 B. "Carbon neutral" means no net greenhouse gas emissions from operations,
2115 including when carbon offsets are applied to the emissions calculation

2116 C. "Carbon offset" means a reduction in emissions of carbon dioxide or
2117 greenhouse gases made in order to mitigate for or to offset an emission made elsewhere.

2118 D. "Environmental attributes" means any environmental benefit that can be
2119 monetized.

2120 E. "Renewable identification number" means one of the mechanisms established
2121 to allow obligated parties to demonstrate compliance with renewable fuel volume
2122 obligations established under the Energy Policy Act of 2005 (Public Law 109-58) and the
2123 Energy Independence and Security Act of 2007 (Public Law 110-140). A renewable
2124 identification number is assigned to a unit of renewable fuel for purposes of tracking its
2125 production and use. Once the unit of fuel is consumed, the renewable identification
2126 number can be used to satisfy renewable fuel obligations and can be sold or traded to
2127 obligated parties to satisfy their renewable fuel obligations in current or future years.

2128 F. "Transit carbon offset" means an investment by the Metro transit (~~(division)~~)
2129 department that results in a reduction of greenhouse gas emissions beyond standard
2130 operations, thereby achieving additionality.

2131 SECTION 37. Ordinance 17971, Section 4, as amended, and K.C.C. 28.30.030
2132 are each hereby amended to read as follows:

2133 A. The King County Metro transit carbon offset and environmental attributes
2134 program is hereby created and shall be administered by the Metro transit (~~(division)~~)
2135 department.

2136 B. Transit carbon offsets shall be reviewed by an independent third-party
2137 organization with proven experience in emission mitigation activities to ensure that
2138 transit carbon offsets meet the requirements of RCW 36.01.250.

2139 C. The Metro transit ((~~division~~)) department shall make carbon offsets or
2140 environmental attributes available for purchase by individuals or public or private
2141 entities, if doing so is likely to be financially beneficial to the ((~~division~~)) department.

2142 D. The wastewater treatment division and the solid waste division shall evaluate
2143 the purchase of Metro transit ((~~division~~)) department carbon offsets, as necessary, to
2144 achieve the requirements of this chapter.

2145 E. When purchasing carbon offsets, the wastewater treatment division and the
2146 solid waste division shall ensure the offsets meet the requirements of RCW 36.01.250. In
2147 purchasing offsets, the wastewater treatment division and the solid waste divisions shall
2148 purchase offsets from the Metro transit ((~~division~~)) department before purchasing carbon
2149 offsets from outside of the county if Metro transit ((~~division~~)) department offsets are
2150 comparably priced.

2151 F. Revenue from the sale of carbon offsets or environmental attributes shall be
2152 used by the Metro transit ((~~division~~)) department solely for the purposes of reducing
2153 greenhouse gas emissions through providing additional transit service hours or
2154 investments that reduce the greenhouse gas emissions from transit operations beyond
2155 standard operations, thereby achieving additionality.

2156 G. The executive shall ensure that transit carbon offsets or other environmental
2157 attributes are not double counted in calculating the greenhouse gas emissions for King
2158 County.

2159 SECTION 38. Ordinance 11962, Section 2, and K.C.C. 28.91.020 are each
2160 hereby amended to read as follows:

2161 It is the mission of the Metro transit department (~~((of transportation))~~) to provide
2162 the best possible public transportation services that improve the quality of life in King
2163 County.

2164 The director shall, on at least an annual basis, report to the council on the
2165 performance of the public transportation services program, and shall propose goals and
2166 objectives for the following budget year.

2167 SECTION 39. Ordinance 11033, Section 3 (part) and K.C.C. 28.92.010 are each
2168 hereby amended to read as follows

2169 ~~((The following words and phrases when used in Ordinance 11033 shall have the
2170 meanings hereinafter set forth in this section, whether appearing in capital or lower case
2171 form. If not defined below, the words and phrases used in this title shall have their
2172 common and ordinary meanings to the degree consistent with the technical subjects herein
2173 or the meanings set forth elsewhere in this title of the King County Code.))~~ The definitions
2174 in this chapter apply throughout this title unless the context clearly requires otherwise.

2175 SECTION 40. Ordinance 11950, Section 9, and K.C.C. 28.92.180 are each
2176 hereby repealed.

2177 SECTION 41. Ordinance 13441, Section 2, and K.C.C. 28.94.035 are each
2178 hereby amended to read as follows:

2179 A. As required in 49 C.F.R. pt. 37, subpart F, the county shall provide paratransit
2180 or other special services, referred to in this section, K.C.C. 28.94.045 and K.C.C.
2181 4A.700.210 as "ADA paratransit services," to individuals eligible under the federal

2182 Americans with Disabilities Act of 1990, referred to in this section, K.C.C. 28.94.045 and
2183 K.C.C. ((28.94.245)) 4A.700.210 as "ADA". The county may supplement the ADA
2184 paratransit services with other service described in K.C.C. 28.94.045.

2185 B. ADA paratransit services shall be provided during the same hours and days as
2186 regular, fixed, non-commuter bus service, within corridors that extend three-fourths of a
2187 mile on either side of the regular, fixed, non-commuter bus routes, as the routes may be
2188 amended from time to time.

2189 C. ADA paratransit services shall be provided on a curb-to-curb basis.

2190 D. ADA paratransit services shall be provided on an advance reservations basis,
2191 on the day before the occurrence of the ride requested.

2192 E. ADA paratransit services may include requiring riders to transfer from one
2193 paratransit vehicle to another as part of the trip requested by the rider.

2194 F. Subscription service shall not be provided as part of the ADA paratransit
2195 services.

2196 G. ADA paratransit services may include feeder service to and from an accessible
2197 bus zone for individuals who are able to use the fixed route system.

2198 H. In furtherance of the ADA paratransit program, the director may:

2199 1. Organize and manage the provision of ADA paratransit services, including
2200 but not limited to call-taking, scheduling, dispatching, operations and vehicle
2201 maintenance, and, subject to applicable contracting and procurement requirements, enter
2202 into agreements with public and private agencies and entities for the provision of one or
2203 more of the services;

2204 2. Develop and implement procedures in accordance with 49 C.F.R. pt. 37,

2205 subpart F, for the certification of ADA paratransit eligibility and the suspension of ADA
2206 paratransit service to eligible individuals with a documented pattern or practice of
2207 missing scheduled rides. The suspensions shall not be processed according to the
2208 procedures dealing with suspensions related to violations of rules of conduct on transit
2209 property and facilities as set forth elsewhere in K.C.C. chapter 28.96;

2210 3. Develop and implement procedures for ADA paratransit service, and
2211 establish eligibility, administrative and operations procedures and referral services for the
2212 services;

2213 4. Encourage the participation of, and enter into agreements with, public and
2214 private agencies and entities to coordinate their transportation resources as provided in
2215 this section;

2216 5. Enter into agreements with other transit agencies to establish procedures for
2217 allocating paratransit trips and the cost of paratransit services to ADA-eligible riders
2218 seeking to transfer between transportation systems or cross jurisdictional boundaries and
2219 allocate the costs of providing paratransit services where the paratransit services of the
2220 other agencies overlap the county's ADA paratransit services; and

2221 6. Submit plans, reports and information to the Federal Transit Administration
2222 as may be required under applicable federal regulations.

2223 SECTION 42. Ordinance 14095, Section 3, and K.C.C. 28.94.280 are each
2224 hereby amended to read as follows:

2225 A. There shall be established within the Metro transit (~~division of the King~~
2226 ~~County department of transportation~~) department a Transit Good Neighbor program,
2227 which shall be implemented in cooperation with interested cities and the labor unions

2228 representing Metro transit (~~((division))~~) department employees. The purpose of the Transit
2229 Good Neighbor program is to obtain additional transit capital funds for bus shelters,
2230 benches and other passenger amenities in exchange for advertising on the shelter, bench
2231 or other amenity, and to develop partnerships for litter control.

2232 B. The Metro transit (~~((division of the King County department of transportation))~~)
2233 department shall (~~((develop a plan, by September 1st, 2001, to))~~) implement the program
2234 that includes, but is not limited to:

2235 1. Identification of cities that want to participate in this program and whose
2236 codes permit advertising in the public right-of-way;

2237 2. Identification of cities, organizations and businesses that want to adopt
2238 shelters by providing funds for shelter capital costs and by assisting with litter control;

2239 3. Development of standards for advertising esthetics on the adopted shelters,
2240 benches and other passenger amenities; and

2241 4. Development of procedures needed to implement the program.

2242 SECTION 43. Ordinance 16770, Section 4, as amended, and K.C.C. 28.96.220
2243 are each hereby amended to read as follows:

2244 A. The county may permit the following types of commercial parking within park
2245 and ride lots:

2246 1. For overflow parking for nearby business, except that the parking shall not be
2247 used to satisfy parking requirements under any land use or development code or other law
2248 or regulation; or

2249 2. For customer parking for privately-operated passenger transportation
2250 services.

2251 B. Permission under subsection A. of this section shall be granted by the county
2252 entering into licenses, leases or other contractual use agreements. The agreements shall
2253 include terms requiring payment based on consideration of these factors:

2254 1. The fair market value of the use of transit property;

2255 2. The actual costs incurred by the county in processing the request for use, in
2256 providing additional operation and maintenance of the park and ride lot and in
2257 administering the agreement; and

2258 3. The existence of offsetting benefits that will directly support the county's
2259 transit program.

2260 C. Any such an agreement shall protect the primary purpose of the transit
2261 property through such means as time-of-day restrictions, and shall be terminable by the
2262 county in the event of increased demand by transit commuters for parking. The
2263 agreements shall provide that this determination shall be at the sole discretion of the
2264 county.

2265 D. For each park and ride location at which such a use is authorized, the Metro
2266 transit (~~(division)~~) department shall post a public notice advising transit commuters how
2267 to comment to the (~~(division)~~) department management regarding the effect on
2268 availability of transit commuter parking.

2269 E. Any such an agreement shall be consistent with state, county and municipal
2270 law and applicable agreements with other agencies, including, but not limited to, the
2271 Federal Transit Administration, Sound Transit and the Washington state Department of
2272 Transportation.

2273 SECTION 44. Ordinance 11950, Section 18 (part), as amended, and K.C.C.

2274 28.96.430, are each hereby amended to read as follows:

2275 A. Violation of a rule or provision of this chapter or any federal, state or local
2276 law shall be cause for suspension of a person's privileges to enter upon transit property
2277 and use the transit system. Such a suspension may be ordered by ~~((the transit division in
2278 the))~~ Metro transit department ~~((of transportation))~~ personnel authorized by the director
2279 or by the authorized personnel of a contracted service provider in accordance with the
2280 terms of the applicable service contract. Notice of such a suspension shall be in writing
2281 and shall inform the person suspended of the cause, the period of the suspension, and that
2282 failure to comply shall be grounds for criminal prosecution. Service of the suspension
2283 notice may be accomplished by personal delivery or by mailing a copy, addressed to the
2284 person's last known address, by certified U.S. mail. Unless otherwise specified on the
2285 notice, the suspension shall take effect immediately upon actual or constructive receipt of
2286 the notice by the person being excluded. A person may not defeat the effectiveness of a
2287 suspension by refusing to accept the notice. Receipt of the notice is construed to have
2288 been accomplished if the person knew or reasonably should have known from the
2289 circumstances that the person's privileges to enter upon transit property and use the transit
2290 system have been suspended. Receipt of the notice is also construed to have been
2291 accomplished two days after a suspension notice is placed in the U.S. mail. Failure to
2292 immediately comply with such a suspension order shall be grounds for prosecution for
2293 criminal trespass.

2294 B. Before the expiration of the suspension period, a person whose privileges to
2295 enter upon transit property and use the transit system have been suspended may request a
2296 review of or appeal the suspension in the following ways:

2297 1. In accordance with an intake process the ((~~transit division~~)) Metro transit
2298 department shall publish, the suspended person may request mitigation through a rider
2299 contract between the person and the division that would allow the individual to enter
2300 upon transit property and use the transit system during the suspension period under
2301 certain conditions delineated in the contract. Upon receiving a timely mitigation request,
2302 the ((~~division's~~)) department's policy for mitigation reviews shall apply. The suspension
2303 shall be reviewed within five business days and a decision rendered within two days of
2304 the review's conclusion. If the request is not eligible for mitigation or is initially
2305 declined, it shall be referred to a mitigation panel for a hearing to occur within seven
2306 days, or later if requested by the suspended person. The suspended person may orally
2307 present the suspended person's reasons why the suspension should not be served, by
2308 phone or in person at a time and location mutually agreed upon. Within ten days after the
2309 proceeding, the mitigation panel shall make a decision affirming, modifying or
2310 terminating the suspension. The mitigation panel's decision to either issue or not issue a
2311 rider contract mitigating the suspension shall be final and unreviewable.

2312 2.a. The suspended person may challenge the facts or the legal basis for the
2313 suspension by filing an appeal in accordance with K.C.C. 20.22.080, except that the filing
2314 deadline in K.C.C. 20.22.080.B. and the filing fee in K.C.C. 20.22.080.D. do not apply.

2315 b. The hearing examiner shall process appeals in accordance with section 4 of
2316 this ordinance. Because of the processing timeline K.C.C. 20.22.100.B. sets for appeals,
2317 a suspended person who has appealed or intends to appeal the suspension may request
2318 mitigation through a rider contract temporarily allowing the privilege to enter upon transit
2319 property and use the transit system during the appeal process.

2320 c. The hearing examiner's decision shall be final and unreviewable. However,
2321 a suspended person who has had the privilege to enter upon transit property and use the
2322 transit system suspended who has unsuccessfully appealed the suspension to the hearing
2323 examiner may still seek mitigation through a rider contract from the division following
2324 the hearing examiner's decision.

2325 SECTION 45. Ordinance 10733, Section 1, as amended, and K.C.C. 28.101.010
2326 are each hereby amended to read as follows:

2327 The following definitions apply to this chapter unless the context clearly requires
2328 otherwise:

2329 A. "Affected employee" means a full-time employee who begins the employee's
2330 regular work day at a single work site between 6:00 a.m. and 9:00 a.m., inclusive, on two
2331 or more weekdays for at least twelve contiguous months and who is not an independent
2332 contractor. Seasonal agricultural employees, including seasonal employees of processors
2333 of agricultural products, are excluded from the count of affected employees.

2334 B. "Affected employer" means an employer that employs one hundred or more
2335 affected employees at a single work site covered by the commute trip reduction plan.
2336 Construction work sites are excluded from this definition when the expected duration of
2337 the construction is less than two years.

2338 C. "Alternative commute mode" means any means of transportation to and from
2339 work other than driving a single-occupant motor vehicle, including scheduled work from
2340 home and work schedules that result in fewer commute trips.

2341 D. "Baseline measurement" means the survey of affected employees conducted
2342 by an affected employer to determine the drive-alone rate and vehicle miles travelled per

2343 affected employee.

2344 E. "Carpool" means a motor vehicle occupied by two to six people who are at
2345 least sixteen years old traveling together for their commute trip that results in the
2346 reduction of at least one motor vehicle commute trip.

2347 F. "Commute trips" mean trips made from a worker's home to a work site for a
2348 regularly scheduled work day beginning between 6:00 a.m. and 9:00 a.m. ~~((f))~~,
2349 inclusive~~((f))~~, on weekdays.

2350 G. "Commute trip reduction plan" means the county's commute trip reduction
2351 plan, as adopted in K.C.C. ~~((14.60.020))~~ 28.101.030, to regulate and administer the
2352 commute trip reduction programs of affected employers' worksites within unincorporated
2353 King County.

2354 H. "Commute trip reduction program" means an affected employer's program,
2355 approved by the director, including strategies to reduce affected employees' vehicle miles
2356 travelled per employee and drive-alone rate.

2357 I. "Director" means the director of the Metro transit department ~~((of~~
2358 ~~transportation))~~ or the director's designee.

2359 J. "Drive-alone rate" means the percentage of affected employee commute trips
2360 made by single occupants of motor vehicles, including motorcycles.

2361 K. "Employer" means a sole proprietorship, partnership, corporation,
2362 unincorporated association, cooperative, joint venture, agency, department, district or
2363 other individual or entity, whether public, nonprofit or private, that employs workers.

2364 L. "Exemption" means a waiver from commute trip reduction program
2365 requirements granted to an employer by the county based on unique conditions that apply

2366 to the employer or worksite.

2367 M. "Full-time employee" means a person other than an independent contractor,
2368 whose position is scheduled to be employed on a continuous basis for fifty-two weeks for
2369 an average of at least thirty-five hours per week.

2370 N. "Good faith effort" means that an employer has met the minimum requirement
2371 identified in RCW 70.94.531.

2372 O. "Mode" means the means of transportation used by employees, such as single-
2373 occupant motor vehicle including motorcycle, rideshare vehicle such as carpool or
2374 vanpool, transit, bicycle and walking.

2375 P. "Single work site" means a building or group of buildings occupied by one or
2376 more major employers which are on physically contiguous parcels of land or on parcels
2377 separated solely by private or public roadways or rights-of-way.

2378 Q. "Transit" means a multiple-occupant vehicle operated on a for-hire, shared-
2379 ride basis, including bus, ferry, rail, shared-ride taxi, shuttle bus or vanpool.

2380 R. "Vanpool" means a vehicle occupied by seven to fifteen people traveling
2381 together for their commute trip that results in the reduction of a minimum of one motor
2382 vehicle trip. A vanpool trip counts as zero vehicle trips.

2383 S. "Vehicle miles travelled per employee" means the sum of the distance in miles
2384 of individual vehicle commute trips made by affected employees over a set period
2385 divided by the number of affected employees during that period.

2386 T. "Week" means a seven day calendar period, starting on Monday and
2387 continuing through Sunday.

2388 U. "Weekday" means any day of the week except Saturday or Sunday.

2389 SECTION 46. Ordinance 10733, Section 2, as amended, and K.C.C. 28.101.030
2390 are each hereby amended to read as follows:

2391 A. A commute trip reduction plan shall be adopted by ordinance.

2392 B. The commute trip reduction plan lists the county's goals for reducing vehicle
2393 miles travelled per employee and the drive-alone rate for the unincorporated urban area
2394 and for two affected employers. The director shall set goals for reducing vehicle miles
2395 travelled per employee and the drive-alone rate for any affected employer not listed in the
2396 commute trip reduction plan.

2397 C. The Metro transit department (~~(of transportation)~~) website shall include a
2398 notice of the adoption of the commute trip reduction plan and an explanation of its
2399 applicability to affected employers. The director shall notify the affected employers
2400 listed in the commute trip reduction plan and any other employer who becomes an
2401 affected employer of the commute trip reduction plan and its requirements.

2402 SECTION 47. Ordinance 10733, Section 10, as amended, and K.C.C. 28.101.100
2403 are each hereby amended to read as follows:

2404 The director of the Metro transit department (~~(of transportation)~~) is hereby
2405 instructed and authorized to adopt such administrative rules and procedures as are

2406 necessary to implement the provisions of this chapter.

2407 SECTION 48. This ordinance takes effect January 1, 2019.

2408

Ordinance 18777 was introduced on 7/9/2018 and passed by the Metropolitan King County Council on 8/20/2018, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles
and Ms. Balducci

No: 0

Excused: 0



KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

J. Joseph McDermott, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this 30 day of AUGUST, 2018.

Dow Constantine, County Executive

RECEIVED
2018 AUG 31 AM 8:56
CLERK
KING COUNTY COUNCIL

Attachments: None