



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

November 14, 2002

### Ordinance 14509

**Proposed No.** 2002-0450.2

**Sponsors** Edmonds

1 AN ORDINANCE concerning parks, finances, facilities  
2 and operations; making technical corrections; amending  
3 Ordinance 11955, Section 9, as amended, and K.C.C.  
4 2.16.045, Ordinance 6798, Section 2, and K.C.C. 7.12.020,  
5 Ordinance 6798, Section 4, as amended, and K.C.C.  
6 7.12.040, Ordinance 6798, Section 5, as amended, and  
7 K.C.C. 7.12.050, Ordinance 6798, Section 6, and K.C.C.  
8 7.12.060, Ordinance 6798, Section 8, and K.C.C. 7.12.080,  
9 Ordinance 6798, Section 15, and K.C.C. 7.12.150,  
10 Ordinance 6798, Section 24, and K.C.C. 7.12.240,  
11 Ordinance 6798, Section 61, and K.C.C. 7.12.610,  
12 Ordinance 6798, Section 64, and K.C.C. 7.12.640,  
13 Ordinance 6835, Section 3, and K.C.C. 2.99.030,  
14 Ordinance 12076, Section 9, as amended, and K.C.C.  
15 4.08.015, Ordinance 12076, Section 9, as amended, and  
16 K.C.C. 4.08.015, Ordinance 12076, Section 10, as  
17 amended, and K.C.C. 4.08.025, Ordinance 6110, Section 4,

18 as amended, and K.C.C. 4.32.020, Ordinance 6110, Section  
19 5, and K.C.C. 4.32.030, Ordinance 12045, Section 14, as  
20 amended, and K.C.C. 4.56.150, Ordinance 12045, Section  
21 17, as amended, and K.C.C. 4.56.180, Ordinance 12076,  
22 Section 52, as amended, and K.C.C. 4.57.010, Ordinance  
23 11524, Section 1 (part), and K.C.C. 4.57.020, Ordinance  
24 11524, Section 1 (part), and K.C.C. 4.57.030, Ordinance  
25 11524, Section 1 (part), and K.C.C. 4.57.090, adding a new  
26 chapter to K.C.C. Title 7, adding new sections to K.C.C.  
27 chapter 7.08, adding new sections to K.C.C. chapter 7.12,  
28 adding a new section to K.C.C. chapter 4.08, adding a new  
29 section to K.C.C. chapter 4.57 and repealing Ordinance  
30 5225, Section 2 (part), as amended, and K.C.C. 7.08.010,  
31 Ordinance 5225, Section 2 (A), as amended, and K.C.C  
32 7.08.020, Ordinance 9227, Section 1 (part), as amended,  
33 and K.C.C. 7.08.025, Ordinance 5225, Section 2 (B), as  
34 amended, and K.C.C. 7.08.030, Ordinance 6027, Sections  
35 2, 3, as amended, and K.C.C. 7.08.040 and Ordinance  
36 6798, Section 1, and K.C.C. 7.12.010.

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STATEMENT OF FACTS:

- 40           1. Since its inception in 1937, the King County parks system has grown to  
41           include over twenty-five thousand acres of parks and recreation areas,  
42           over one hundred miles of regional trails, sixteen pools, six community  
43           centers, a golf course and one hundred fifty-seven athletic fields.
- 44           2. Historically, the county parks and recreation system has relied heavily  
45           on the county's current expense fund to subsidize its operations.
- 46           3. In 2003 and thereafter, the current expense fund faces significant  
47           challenges as revenue growth has slowed dramatically at the same time as  
48           the cost to deliver mandated county services continues to escalate.
- 49           4. The current expense fund faces a fifty-two-million-dollar shortfall in  
50           2003, resulting from growth in the cost of providing services, particularly  
51           in mandated criminal justice related functions, an economic recession and  
52           an erosion of the county's tax base.
- 53           5. Without action by the state to provide new revenue sources to King  
54           County, the current expense shortfall is anticipated to continue into the  
55           next several years, with deficits of twenty-four million dollars expected in  
56           2004 and again in 2005, with similar deficits in the future.
- 57           6. As a result of the pending 2003 shortfall, all programs supported by the  
58           current expense fund were directed in February 2002 to plan for  
59           significant budget cuts in 2003 and thereafter.
- 60           7. As a result of the current and ongoing fiscal crisis, King County must  
61           take actions to ensure both the short-term and long-term viability of its  
62           mandated services and programs and to fundamentally change its

63 approach towards provision of nonmandated services such as parks and  
64 recreation services.

65 8. The county is committed to ensuring that, to the extent allowed by the  
66 array of competing demands for scarce governmental resources, citizens  
67 who have supported the development of the county's parks and recreation  
68 system through their support of voted bond measures from Forward Thrust  
69 through the Open Space bond campaigns of the 1980s and additional parks  
70 capital measures are able to enjoy the facilities of the county's parks and  
71 recreation system.

72 9. In furtherance of this commitment, county staff has investigated a  
73 broad variety of options for funding or otherwise preserving the county's  
74 parks and recreation system, as initially outlined in the Parks Division  
75 Phase I Business Plan submitted to council in April 2002.

76 10. The metropolitan parks task force was established in the spring of  
77 2002 to find ways to keep the county parks and recreation system open in  
78 2003 and thereafter, and to restore stability to the parks system by  
79 removing it from dependence on the current expense fund. The task force  
80 issued its recommendations in June 2002.

81 11. The recommendations of the task force call for the county to:

82 a. Refocus its parks and recreation mission to provide for regional  
83 trails, regional passive parks, regional resource and ecological lands, and  
84 regional active recreation facilities and rural parks, as well as local parks

85 in the unincorporated area within the urban growth boundary until those  
86 areas are annexed to cities.

87 b. Transfer or mothball all local facilities within cities and to work  
88 to transfer local facilities in potential annexation areas to cities.

89 c. Change the way the parks and recreation division carries out its  
90 mission by aggressively implementing a broad variety of new  
91 entrepreneurial strategies that will help raise revenues to support park  
92 operations. These include, but are not limited to, increasing user fees,  
93 expanding the use of volunteers and work crews, expanding the use of  
94 concession and lease agreements, securing revenue from advertising and  
95 corporate sponsorship and developing new management approaches.

96 d. Limit its future role with respect to active recreation facilities to  
97 that of facilitating acquisition and development through convening  
98 potential partners and providing capital funding when appropriate rather  
99 than assuming ongoing operation and maintenance obligations of old or  
100 new facilities.

101 e. Ensure that moneys are available in 2004 and thereafter to  
102 support park operation, either through passage of a ballot measure,  
103 creation of a special purpose district or, as a last resort, the sale of some  
104 park assets.

105 12. The active sports and youth recreation commission, established by the  
106 county council in February 2000, issued its report and recommendations in  
107 July 2002. These recommendations call for the county to significantly

108 expand the amount and variety of active recreation facilities available in  
109 King County, primarily through arrangements in which nonprofit sports  
110 organizations assume responsibility for maintaining and operating active  
111 recreation facilities, rather than traditional means by which the county  
112 designed, built and operated the facilities.

113 13. In July 2002, the executive presented the outline of the Phase II  
114 Business Transition Plan for the parks and recreation division, based on  
115 the work of the task force and the active sports and youth recreation  
116 commission.

117 14. In August 2002, the executive released the final Phase II Business  
118 Transition Plan for the division.

119 15. The county's growth management vision, as set forth in the countywide  
120 planning policies, includes the annexation or incorporation of all remaining  
121 urban unincorporated areas. The policies further call for the county to serve  
122 as a regional service provider as well as a local service provider within the  
123 rural and remaining urban unincorporated areas. The policies also identify  
124 that cities are the appropriate local government service providers within city  
125 boundaries.

126 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

127 SECTION 1. Findings.

128 A. Based on consideration of the fiscal crisis facing the county, the importance to  
129 the general public health and welfare of providing quality parks and recreational  
130 opportunities for the general public, an assessment of the options available for provision of

131 parks and recreation to the public, the growth management vision adopted by the county, the  
132 recommendations of the metropolitan parks task force, the recommendations of the active  
133 sports and youth recreation commission and the Executive's Phase II Business Transition  
134 Plan, the council finds and determines that:

135           1. The parks and recreation division will be required to operate with fewer current  
136 expense fund moneys in the future as a result of the county's fiscal crisis resulting in  
137 immediate and long-term impacts to division staffing levels and other aspects of parks  
138 operations. Unless alternate means are found for funding park operations, there will be a  
139 continued erosion in parks maintenance levels, which are already well-below national  
140 standards due to funding levels. Further erosion of maintenance levels is not in the public  
141 interest and unless checked will force the closure or mothballing of additional parks. To  
142 avoid this outcome, the county must find new ways of carrying out its obligations and  
143 generating revenue, and must refocus its parks and recreation mission to be more consistent  
144 with the county's role in an increasingly urbanized region;

145           2. The county parks and recreation system should place primary importance on  
146 continuing its stewardship of regional park system assets, regional trails, regional resource  
147 and ecological lands, regional passive parks and those few active recreational facilities that  
148 have a broad regional user base;

149           3. The county should continue to provide for the operation of county-owned local  
150 parks in the remaining urban unincorporated areas, but should seek the transfer of local  
151 urban area facilities to cities;

152           4. The county's role in local parks and recreation should be limited and focused  
153 primarily on rural areas;

154           5. The county's role in active recreation facilities should focus on operating those  
155 regional active recreation facilities that remain part of the county's system, and, to the extent  
156 feasible, developing or providing for the development of new active recreation facilities  
157 through leases, concessions or other arrangements, providing capital support for the new  
158 facilities as appropriate. The county should ensure, whenever possible, operating support  
159 and operation of new facilities by entities other than the county;

160           6. It is appropriate and necessary that the parks and recreation division develop  
161 different ways to carry out its new entrepreneurial ways of doing business outlined in the  
162 metropolitan parks task force report and the Phase II Business Transition Plan, and the  
163 division should work with affected labor interests to facilitate this transition; and

164           7. The facilities and programs offered by the parks and recreation division should  
165 address the recreational and leisure need of persons of all ages. While pursuing  
166 entrepreneurial and revenue-generating opportunities encouraged by this ordinance, the  
167 division should strive to provide an inviting, secure and socially appropriate atmosphere for  
168 all, with special attention to the needs of the youngest visitors and their families.

169           B. To accomplish this vision, it is necessary and prudent that changes be made in  
170 the county code to authorize and facilitate these ideas and approaches.

171           SECTION 2. Ordinance 11955, Section 9, as amended, and K.C.C. 2.16.045 are  
172 hereby amended to read as follows:

173           **Department of natural resources and parks – duties – divisions.**

174           A. The department is responsible to manage and be fiscally accountable for the  
175 ~~((waste-water))~~ wastewater treatment division, water and land resources division, solid  
176 waste division and parks and recreation division. The department shall manage, design,



177 develop, operate, maintain and enhance the geographic information systems for the  
178 county and other contracting agencies. The department shall administer and implement  
179 the requirements of the federal Clean Water Act, federal Endangered Species Act((;)) and  
180 other federal and state laws and regulations related to ((sueh)) those requirements. The  
181 department shall perform the metropolitan water pollution abatement function (((herein))  
182 referred to in this section as "the water quality program"((;)), as set forth in chapter 35.58  
183 RCW, K.C.C. Title 28 and other federal and state laws and regulations applicable to  
184 ((sueh)) that function((; provided, that)), although financial planning for and  
185 administration of the water quality program shall be conducted consistent with financial  
186 policies approved by the council. The department shall coordinate the county's National  
187 Pollutant Discharge Elimination System (NPDES) municipal stormwater permit program.  
188 The department shall provide the support to the county's participation in the regional  
189 water supply planning process including the development of reclaimed water and the  
190 review of local utility district plans for conformance with county plans and policies((;))  
191 and shall participate in the process of preparing coordinated water system plans to ensure  
192 conformance with county plans and policies. The department shall provide for the active  
193 and passive recreational needs of the region, consistent with the mission of the parks and  
194 recreation division described in subsection E.1. of this section. The department shall  
195 designate as natural resource lands those county-owned lands that serve important natural  
196 resource functions, including, but not limited to, benefiting and protecting natural  
197 drainage systems, drainage basins, flood control systems, ((eee-systems)) ecosystems,  
198 water quality, ground water, fisheries and wildlife habitat ((;)) and other natural resource  
199 purposes. The department ((will)) shall act to ensure integration of environmental

200 programs across utility and resource functions and to balance stewardship with economic  
201 development issues. To ensure integration and balanced stewardship through the  
202 director's office the department shall oversee strategic planning using staff resources  
203 budgeted in the department's divisions. Strategic planning may include, but not be  
204 limited to: integration of land and water resource protection; coordination of  
205 groundwater, water reuse and water supply plan approval; development of new funding  
206 approaches for resource protection; establishment of new arrangements with businesses,  
207 community organizations and citizens; and better coordination of sewerage and flood  
208 control facilities to prevent water quality degradation.

209 B.1. The duties of the wastewater treatment division shall include the following:

210 ~~((1.))~~ a. ~~((A))~~ administering the functions and programs related to the operation,  
211 maintenance, construction, repair, replacement and improvement of the metropolitan  
212 sewerage system and ~~((the))~~ its financing ~~((thereof))~~;

213 ~~((2.))~~ b. ~~((A))~~ administering the county's sewage disposal agreements with cities  
214 and special districts;

215 ~~((3.))~~ c. ~~((P))~~ providing planning for the water quality capital program;

216 d. providing design, engineering and construction management services related  
217 to the water quality capital programs including new facilities development and  
218 maintenance of the existing infrastructure; ~~((and))~~

219 e. providing support services such as project management, environmental  
220 review, permit and right-of-way acquisitions, scheduling and project control; and

221 ~~((4.))~~ f. ~~((R))~~ regulating industrial discharges into the metropolitan sewerage  
222 system.

223           2. The council may assign responsibility for services ancillary to and in support  
224 of the operation and maintenance of the metropolitan water pollution abatement system  
225 under chapter 35.58 RCW, including, but not limited to, human resources, accounting,  
226 budgeting, finance, engineering, fleet administration, maintenance, laboratory,  
227 monitoring, inspection and planning, as it determines appropriate.

228           C. The duties of the water and land resources division shall include the  
229 following:

230           1. Proposing or updating, or both, and implementing adopted policies, plans and  
231 programs relating to water and land resources, open space and other natural resources  
232 ~~((which))~~ that protect fisheries, natural resources, water quality~~((;))~~ and ground water~~((;))~~  
233 and ~~((which))~~ that solve and prevent drainage problems;

234           2. Responding to major river floods and addressing drainage problems in  
235 unincorporated portions of the county as provided in K.C.C. Title 9, the Surface Water  
236 Management Program, in K.C.C. chapter 20.12, the King County Flood Hazard  
237 Reduction Plan Policies ~~((;))~~ and other policies established by the council;

238           3. Within available resources, maintaining major river channels, and surface and  
239 storm drainage systems and lands to minimize flood hazards and protect fisheries  
240 resources, drainage systems and lands, and water quality;

241           4. Providing coordination and technical assistance within the county and other  
242 governments to assist in setting and implementing priorities for water and land resources,  
243 including sample collection, laboratory services, monitoring, analysis and other activities  
244 to protect, enhance and evaluate the quality of land, habitat and water resources in the  
245 county;

246           5. Planning the surface water management capital program, providing design,  
247 engineering and construction management services related to the surface water  
248 management capital program, including new facilities development and maintenance of  
249 the existing infrastructure ((~~7~~)) and providing support services such as project  
250 management, environmental review, permit and right-of-way acquisitions, scheduling  
251 and project control;

252           6. Preparing standards for storm water management facilities that are  
253 constructed as part of land development;

254           7. Providing technical assistance and education to businesses and the general  
255 public to encourage environmental stewardship;

256           8. Implementing the county park, open space, trails, agriculture, forestry((~~7~~)) and  
257 other natural resources acquisition programs, including planning, site selection,  
258 financing, acquisition, project budget management((~~7~~)) and purchasing fee and less than  
259 fee interests;

260           9. Monitoring and protecting the county's real property and development rights  
261 interests acquired through the ((~~C~~))conservation ((~~F~~))futures and other open space and  
262 natural resource programs ensuring to the greatest extent practicable that subsequent  
263 county land use policies remain compatible with the acquired interests;

264           10. Preparing and implementing the management plans for protection and use of  
265 the natural resource values of county-owned lands, including natural resource lands,  
266 dedicated and deeded open space lands and lands acquired by the county as a condition of  
267 land development approval, and ((~~determine~~)) determining appropriate means to execute  
268 such management plans.

269           11. Administering, operating and maintaining those lands designated as natural  
270 resource lands, using any work forces as appropriate.

271           12. The office of rural and resource lands shall be a distinct functional unit of  
272 the division reporting directly to the water and land resources division manager. The  
273 office shall plan, manage and be responsible for administering the county's rural and  
274 resource lands programs including, but not limited to, agriculture, farmlands preservation,  
275 current use taxation programs, forestry, noxious weeds, terrestrial wildlife and habitat,  
276 rural economic development, and encouraging environmental stewardship.

277           D. The duties of the solid waste division shall include the following:

278           1. Managing and operating the county's comprehensive solid waste program on  
279 a self-supporting basis;

280           2. Administering the county's solid waste interlocal agreements with cities and  
281 towns;

282           3. Diverting as much material as possible from disposal in a manner ((which))  
283 that reduces the overall costs of solid waste management to county residents and  
284 businesses, conserves resources, protects the environment((;)) and strengthens the  
285 county's economy;

286           4. Managing and being accountable for all transfer station operations and  
287 landfills, as well as the transportation of waste between county facilities;

288           5. Procuring and maintaining all capital and operating equipment specific to the  
289 solid waste function;

290           6. Providing planning, design, engineering and construction management  
291 services related to the solid waste capital program, including new facilities development  
292 and maintenance of existing infrastructure;

293           7. Providing support services such as project management, environmental  
294 review, permit acquisitions, scheduling and project control; and

295           8. Actively pursuing all revenue sources in an effort to maintain the lowest  
296 possible rate structure for the benefit of county residents.

297           E. The duties of the parks and recreation division shall include the following:

298           1. ~~((Managing and being fiscally responsible for property management,~~  
299 ~~maintenance, recreation and aquatics functions))~~ Carrying out the county's parks and  
300 recreation division mission, which is to provide regional trails, regional passive parks,  
301 regional resource and ecological lands and regional active recreation facilities, rural parks  
302 and local unincorporated area parks within the urban growth boundary until annexed, by  
303 employing entrepreneurial strategies that raise revenues to support park operations and  
304 facilitating agreements with other jurisdictions and entities to provide for recreational  
305 services and other activities;

306           2. Proposing and implementing adopted policies, plans and programs related to  
307 the provision of regional and rural parks and recreation facilities and programs in King  
308 County and local parks in the unincorporated portion of King County within the urban  
309 growth boundary until those areas are annexed;

310           3. Within available resources, managing, ((Θ))operating and maintaining or  
311 facilitating the management, operation and maintenance of the county parks and ((trails))  
312 recreation ((systems, and)) facilities;

313 4. Within available resources, maintaining ((the natural)) or facilitating the  
314 maintenance of regional resource and ecological lands at the direction of the water and  
315 land resources division((, using any work forces as appropriate));

316 ~~((3-))~~ 5. Developing and maintaining an operational master plan and developing  
317 and monitoring a capital improvement plan as defined in K.C.C. chapter 4.04;

318 ~~((4. Providing policy direction))~~ 6. Within available resources, developing and  
319 facilitating agreements for the development of specific active parks and recreation ((CIP  
320 master plans and projects with assistance from project managers in the facilities  
321 management division)) facilities;

322 ~~((5. Coordinating with other departments and divisions as appropriate in the~~  
323 ~~preparation of county environmental documents or responses to environmental~~  
324 ~~documents from other governmental entities;~~

325 ~~6-))~~ 7. Coordinating with other departments and divisions as appropriate in the  
326 preparation of grant applications for park and open space acquisition, development and  
327 operations;

328 ~~((7-))~~ 8. Developing, managing ((and being responsible for)), or facilitating  
329 agreements for the provision of recreational programs ((and services, including, but not  
330 limited to, interpretive programming, that promote appreciation and understanding of  
331 active county parks));

332 ~~((8. Developing, managing and being responsible for))~~ 9. Facilitating programs  
333 that promote the safe enjoyment of county-owned swimming pools and guarded swim  
334 beaches; and

335            ((9:)) 10. Planning, organizing, scheduling and administering the annual King  
336 County ((F))fair, off-season programs and use of the county fairgrounds with guidance  
337 from the King County ((F))fair ((B))board.

338            SECTION 3. Section 4 of this ordinance should constitute a new chapter in  
339 K.C.C. Title 7.

340            NEW SECTION. SECTION 4. Definitions. The definitions in this section apply  
341 throughout this title and K.C.C. chapter 4.57, unless the context clearly requires  
342 otherwise.

343            A. "Advertising" means promotional activity for the financial gain of those  
344 undertaking the activity or causing the activity to be undertaken, including, but not  
345 limited to, placing signs, posters, placards or any other display device in publicly visible  
346 location within a parks and recreation facility. "Advertising" does not include posting of  
347 an announcement on a community bulletin board, consistent with any applicable rules for  
348 the use of community bulletin boards.

349            B. "Aircraft" means any machine or device designed to travel through the air  
350 including, but not limited to, airplanes, helicopters, ultra light type planes, gliders,  
351 remote-control planes and gliders, hot air balloons, kites and balloons.

352            C. "Alcoholic beverages" or "liquor" includes the four varieties of liquor defined  
353 as alcohol, spirits, wine and beer, all fermented, spirituous, vinous, or malt liquor, and all  
354 other intoxicating beverages, and every liquor, solid or semisolid or other substance,  
355 patented or not, containing alcohol, spirits, wine or beer; all drinks or drinkable liquids  
356 and all preparations or mixtures capable of human consumption. Any liquor, semisolid,



357 solid or other substance that contains more than one percent alcohol by weight shall be  
358 conclusively deemed to be intoxicating.

359 D. "Associated marine area" means any water area within one hundred feet of  
360 any parks and recreation facility such as a dock, pier, float, buoy, log boom or other  
361 object that is part of a parks and recreation facility, only if the area does not include  
362 private property.

363 E. "Boat" means any contrivance up to sixty-five feet in length overall, used or  
364 capable of being used as a means of transportation on water.

365 F. "Camper" means a motorized vehicle containing either sleeping or  
366 housekeeping accommodations, or both, and shall include a pickup truck with camper, a  
367 van-type body, a converted bus, or any similar type vehicle.

368 G. "Camping" means erecting a tent or shelter or arranging bedding or both for  
369 the purpose of, or in such a way as will permit remaining overnight, or parking a trailer,  
370 camper or other vehicle for the purpose of remaining overnight.

371 H. "Campsite" means camping sites designated by the director.

372 I. "Change" a fee means to alter the amount of a fee.

373 J. "Concession" means the privilege or authority to sell goods or services within  
374 parks and recreation facilities or to operate parks and recreation facilities or a portion  
375 thereof.

376 K. "Concession contract" or "concession agreement" means the agreement  
377 granting a person a concession with respect to a parks and recreation facility.

378 L. "Department" means the department of natural resources and parks.

379 M. "Director" means the director of the department of natural resources and parks  
380 or the director's designee.

381 N. "Discrimination" means any action or failure to act, whether by single act or  
382 part of a practice, the effect of which is to adversely affect or differentiate between or  
383 among individuals or groups of individuals, because of race, color, religion, national  
384 origin, age, sex, marital status, parental status, sexual orientation, the presence of any  
385 sensory, mental or physical handicap or the use of an animal guide by a blind or deaf or  
386 otherwise physically or mentally challenged person.

387 O. "Division" means the parks and recreation division of the department of  
388 natural resources and parks.

389 P. "Eliminate" a fee means to remove a fee.

390 Q. "Establish" a fee means to impose a fee for an activity for which a fee was not  
391 being charged.

392 R. "Facility," "facilities," "parks and recreation facility," "parks and recreation  
393 facilities" or "park area" means any building, structure, park, open space, trail or other  
394 property owned or otherwise under the jurisdiction of the parks and recreation division of  
395 the department of natural resources and parks.

396 S. "Facility manager" means the person designated to manage a specific parks  
397 and recreation facility.

398 T. "Manager" means the manager of the parks and recreation division of the  
399 department of natural resources and parks.

400 U. "Motor vehicle" means any self-propelled device capable of being moved  
401 upon a road, and in, upon or by which any persons or property may be transported or

402 drawn, and shall include, but not be limited to, automobiles, trucks, motorcycles, motor  
403 scooters, jeeps or similar type four-wheel drive vehicles and snowmobiles, whether or not  
404 they can be legally operated upon the public highways.

405 V. "Naming rights" means rights to name a facility after a person for a term of  
406 years in exchange for consideration.

407 W. "Parks and recreation purposes" means any lawful purpose of the division.

408 X. "Person" means all natural persons, groups, entities, firms, partnerships,  
409 corporations, governmental and quasi-governmental entities, clubs and all associations or  
410 combination of persons whether acting for themselves or as an agent, servant or  
411 employee.

412 Y. "Permit" means an authorization for the use of parks and recreation facilities  
413 that imposes conditions on the permittee in addition to those conditions imposed on the  
414 general public.

415 Z. "Rocket" means any device containing a combustible substance that when  
416 ignited, propels the device forward.

417 AA. "Set" a fee means to change or eliminate a fee, including determining,  
418 changing or eliminating a range for a fee. "Set" does not include selecting a fee in a  
419 previously set range for a fee.

420 BB. "Spirits" means any beverage that contains alcohol obtained by distillation,  
421 including wines exceeding twenty-four percent of alcohol by volume.

422 CC. "Sponsorship" means providing consideration to support specific parks and  
423 recreation facilities or activities, generally in exchange for advertising on county  
424 property, through county media, or otherwise, or other promotional consideration.

425 DD. "Trail" means any path, track or right-of-way designed for use by  
426 pedestrians, bicycles, equestrians or other nonmotorized modes of transportation.

427 EE. "Trailer" means a towed vehicle that contains sleeping or housekeeping  
428 accommodations.

429 FF. "Trailer site" means a designated camping site that has either water or  
430 electrical facilities, or both, available for hookup.

431 GG. "User fee" means a fee charged for the use of parks and recreation facilities,  
432 activities and programs, including, but not limited to, general facilities admission, classes  
433 and workshops, sponsored leagues and tournaments, gymnasium and field usage for  
434 games and practice, field lights and other equipment, concessions, parking, camping,  
435 special event admission, rooms for meetings, conference banquets and other indoor  
436 activities, kitchen and equipment. "User fee" does not include the cost of purchasing  
437 tangible personal property sold by the division. "User fee" also does not include charges  
438 made under:

- 439 1. an advertising, sponsorship or naming rights agreement in accordance with  
440 section 10 of this ordinance;
- 441 2. a concession contract in accordance with K.C.C. chapter 4.57;
- 442 3. a lease, rental or use agreement in accordance with K.C.C. 4.56.150; or
- 443 4. a special use permit in accordance with K.C.C. 7.12.050.

444 SECTION 5. Sections 6, 7 and 9 through 12 of this ordinance should be codified  
445 as new sections in K.C.C. chapter 7.08.

446 NEW SECTION. SECTION 6. User fees established. User fees are established  
447 for the following:

- 448           A. Admission;
- 449           B. Aquatics:
  - 450               1. Pool rentals;
  - 451               2. Pool usage; and
  - 452               3. Swim lessons;
- 453           C. Athletic fields:
  - 454               1. Usage; and
  - 455               2. Lights;
- 456           D. Banquets;
- 457           E. Camping;
- 458           F. Cancellations;
- 459           G. Classes and workshops;
- 460           H. Cleaning;
- 461           I. Deposits:
  - 462               1. Damage; and
  - 463               2. Key;
- 464           J. Equipment or materials use;
- 465           K. Facility use;
- 466           L. Moorage;
- 467           M. Outdoor facility use;
- 468           N. Parking;
- 469           O. Permit-related activities;
- 470           P. Pea-patch rentals;

471 Q. Recreation programs;

472 R. Room rentals;

473 S. Special athletic requests including, but not limited to, fence rentals and  
474 pitcher's mound installations;

475 T. Special events;

476 U. Special personnel requests including, but not limited to, security and after-  
477 hours facility openings; and

478 V. Utilities.

479 **NEW SECTION. SECTION 7. Setting and establishing user fees.**

480 A. The director shall set user fees in accordance with this section.

481 B. The director shall set user fees for all parks and recreation facilities and  
482 programs for which specific users can be readily identified and charged, unless the  
483 director determines that the administrative costs to collect the fees are likely to exceed  
484 revenues.

485 C. In setting user fees, the director shall consider the following, among other  
486 factors:

487 1. The cost of providing services and the demand for services;

488 2. The administrative costs of collecting the fees;

489 3. The user's ability to pay;

490 4. Maximizing nontax revenue for the support of parks and recreation facilities;

491 5. The target revenue rate from user fees, which are:

492 a. for swimming pools, at least fifty percent of operation and maintenance  
493 costs, including overhead;

494           b. for the Weyerhauser King County Aquatic Center, at least fifty percent of  
495 the operation and maintenance costs, including overhead;

496           c. for the King County fairgrounds, at least one hundred percent of operation  
497 and maintenance costs, including overhead;

498           d. for ballfields, at least thirty percent of operation and maintenance costs,  
499 including overhead; and

500           e. for all other activities, at least thirty percent of operation and maintenance  
501 costs, including overhead.

502           D. User fees for youth shall generally be set lower than comparable fees for  
503 adults.

504           E. Consistent with applicable law, the director may waive, in whole or in part,  
505 user fees or provide or facilitate scholarships for individuals meeting federally  
506 established low-income criteria, to help ensure that no one is denied access to parks and  
507 recreation facilities or activities based solely on an inability to pay. The director shall  
508 adopt rules in accordance with K.C.C. chapter 2.98 that establish the circumstances for  
509 which these waivers or scholarships are available and the process for granting the waivers  
510 or scholarships. In addition, the director may waive user fees as part of a concession,  
511 advertising or sponsorship agreement under which the county receives consideration  
512 equal to or greater than the total amount of the fees to be waived. The director shall  
513 document all waivers of user fees.

514           F. The director shall set user fees in a way that clearly and simply states the  
515 amounts and the facilities or programs to which the fees apply. The director may set ranges  
516 for particular user fees and select fees within those ranges.

517 G. The director shall make available to the public a description of the department's  
518 procedures for setting user fees. The description shall include information on how to  
519 inquire about the department's proposed and adopted user fees and public comment  
520 opportunities.

521 H.1. The director shall give at least twenty days' notice of its intention to set user  
522 fees by providing notice:

523 a. in writing or by electronic format, to:

524 (1) the clerk of the council;

525 (2) all council members; and

526 (3) all persons who have made a timely request for advance notice of fee

527 setting;

528 b. by posting notice at affected facilities; and

529 c. by publishing in the official county newspaper a summary of the notice of the  
530 proposed action, including the information in subsection H.2. a. through e. of this section.

531 2. The notice made in subsection H.1. a. and b. of this section shall:

532 a. include a reference to this section;

533 b. include a reference to the facility or program to which the fee will be applied;

534 c. include a date and place by which comments must be submitted;

535 d. specify whether the proposal is the determination, change or elimination of a  
536 fee;

537 e. if the proposal is to change a fee, indicate both the amount of the existing fee  
538 and the proposed fee; and

539 f. state the reason for and methodology used to determine the proposed new fee.



540 3. Selecting a different user fee within a set range does not require notice.

541 4. The director shall consider all comments received by the prescribed date for  
542 comment before the user fee is set.

543 I. A user fee is set when signed by the director. A user fee takes effect ten days  
544 after it is set.

545 J. Once a user fee is set, the division shall post the amount of the fee in both  
546 written and electronic form for inspection, review and copying by the public, including  
547 providing a copy, in writing or by electronic format, of the fee to the clerk of the county  
548 council and each member of the county council and posting the fee on the Internet.

549 K. Beginning January 1, 2004, the director may not increase a fee, or the upper  
550 end of the range of a fee, more than fifty percent of that which is in place for the fee or  
551 range, unless the authority to set the fee is granted by the council by ordinance.

552 L. Beginning January 1, 2004, the director may not increase a fee or the upper  
553 end of the range of a fee, within one hundred twenty days of a previous increase to the  
554 fee or range, unless the authority for the increase is granted by the council by ordinance.

555 M. A fee may not be established unless the fee is approved by the council by  
556 ordinance.

557 N. All persons using King County parks and recreation facilities shall pay any  
558 applicable user fees, except as provided in subsection E of this section.

559 O. User fees generated under this chapter shall be applied solely to parks and  
560 recreation purposes.

561 SECTION 8. The director shall file with the clerk of the council a report on the  
562 comprehensive costs of operating and maintaining grass ballfields and sand ballfields

563 administered by the agency, as well as revenues generated from such fields, no later than  
564 January 31, 2003. Until the report has been filed and the council has approved a fee  
565 structure for ballfields, the division shall continue to charge the fees for sand ballfields as  
566 the fees existed on the day before the effective date of this ordinance, as provided in  
567 section 43 of this ordinance.

568 **NEW SECTION. SECTION 9. Gifts, bequests and donations.**

569 A. Consistent with K.C.C. chapter 3.04, the director may solicit and accept from  
570 the general and business communities and all other persons, gifts, bequests and donations  
571 to the county of or in support of parks and recreation facilities and programs.

572 B. All gifts, bequests and donations of money to the county for parks and  
573 recreation purposes shall be deposited and credited to the parks trust and contribution  
574 fund created under section 31 of this ordinance.

575 C. The director shall assure that expenditures from the gift, bequest or donation  
576 are consistent with the terms, if any, requested by the grantor.

577 **NEW SECTION. SECTION 10. Advertising, sponsorship and naming rights.**

578 A. The director may negotiate and enter into advertising, sponsorship and naming  
579 rights agreements for the purpose of providing financial support for parks and recreation  
580 facilities and programs.

581 B.1. Advertising is prohibited at parks and recreation facilities unless the  
582 advertising is under an agreement or permit identified in section 12 of this ordinance.  
583 Advertising shall be restricted to commercial speech.

584 2. Agreements authorizing advertising at parks and recreation facilities shall  
585 contain provisions to ensure that advertising is consistent with the existing aesthetics of

586 the particular facility. To the extent feasible, agreements shall specify that advertising  
587 signs have a consistent look throughout a particular facility, such as similar sizes and  
588 background colors, and that the signs are affixed in a way that minimizes wear and tear  
589 on parks and recreation facilities. Except for signs associated with lighted scoreboards,  
590 the director shall not enter into agreements authorizing neon signs and light boards for  
591 outdoor areas at parks and recreation facilities. Unless authorized by ordinance,  
592 advertising in regional resource and ecological lands shall not be larger than two feet in  
593 either height or width. All sign agreements shall require that the signs be removed at the  
594 end of the agreement.

595 C. Advertisers and sponsors shall agree not to engage in discrimination.  
596 Furthermore, an advertising, sponsorship or naming rights agreement may not result in  
597 the advertisement of spirits or tobacco products in violation of K.C.C. chapter 12.51.

598 D. The director may impose additional subject-matter restrictions on advertising,  
599 sponsorship and naming rights agreements consistent with applicable law and the use of  
600 parks and recreation facilities by citizens of all ages, in particular young children and  
601 families.

602 E. Revenue generated from advertising, sponsorship and naming rights  
603 agreements entered into under this section shall be applied solely to parks and recreation  
604 purposes.

605 NEW SECTION. SECTION 11. Reporting requirements. The division shall  
606 provide a written report to the council, filed with the clerk of the council, at least four  
607 times each year, by March 15, June 15, September 15 and December 15, and more  
608 frequently as directed by the council by motion, regarding the execution of the division's

609 duties and responsibilities as established in K.C.C. 2.16.045.E. Following transmittal of  
610 each written report, the division shall also make an oral presentation to the council. The  
611 written reports and oral presentations shall include, but shall not be limited to,  
612 information as to the division's efforts in:

613 A. Meeting revenue targets under section 7 of this ordinance;

614 B. Implementing entrepreneurial strategies including advertising, leasing and  
615 concession agreements;

616 C. Pursuing gifts, bequests and donations, including the value and sources of  
617 gifts, bequests and donations received;

618 D. Developing agreements with other organizations to provide recreation  
619 services;

620 E. Transferring parks and recreation assets within incorporated areas or potential  
621 annexation areas to cities; and

622 F. Community outreach and involvement.

623 **NEW SECTION. SECTION 12. Types of agreements and permits.** The  
624 director may utilize the following types of agreements and permits:

625 A. An advertising, sponsorship or naming rights agreement in accordance with  
626 section 10 of this ordinance;

627 B. A concession contract in accordance with K.C.C. chapter 4.57;

628 C. A lease, rental or use agreement in accordance with K.C.C. 4.56.150;

629 D. A permit in accordance with K.C.C. 7.12.040; or

630 E. A special use permit in accordance with K.C.C. 7.12.050.

631            SECTION 13. Ordinance 6798, Section 2, and K.C.C. 7.12.020 are each hereby  
632 amended to read as follows:

633            **Program – ((P))purpose.** The playgrounds, activity centers, pools((;)) and other  
634 facilities of the division are established by law for public recreation purposes, including,  
635 but not limited to, the provision of community services by third parties. ((The public  
636 recreation programs consist primarily of activities planned and directed by the division,  
637 and secondarily of recreation activities of community groups businesses brought under  
638 control of the division when authorized by and conducted under permit issued by the  
639 division.))

640            NEW SECTION. SECTION 14. There is hereby added to K.C.C. chapter 7.12 a  
641 new section to read as follows:

642            **Designating off-limits areas.** The manager may designate portions of parks and  
643 recreation facilities that are off limits to the general public for the purpose of protecting  
644 park resources or the environment or for the purpose of protecting the public from  
645 conditions that constitute a potential safety hazard. Any portion of a facility that is  
646 designated as off limits under this section must have posted notice of the designation.  
647 The manager may delegate the authority granted under this section to division employees  
648 with appropriate restrictions.

649            SECTION 15. Ordinance 6798, Section 4, as amended, and K.C.C. 7.12.040 are  
650 each hereby amended to read as follows:

651            **Permits ((for community groups)).** The ((department)) manager may ((grant))  
652 issue permits to community groups or persons to meet or conduct activities in the  
653 ((department's buildings or in the department's)) parks and recreation facilities if those

654 ~~((buildings, portions of buildings, or))~~ facilities or portions thereof are not otherwise  
655 required by the ~~((department))~~ division. ~~((A nominal fee may be charged according to~~  
656 ~~the department's current adopted fee ordinance. The fee ordinance is adopted by~~  
657 ~~metropolitan King County council during its annual budget process.))~~ The director shall  
658 charge the applicable user fee for the use permitted under the permit.

659 ~~((Facilities cannot be reserved more than ninety days in advance unless otherwise~~  
660 ~~authorized by the department. All such permits must be approved by the department.~~  
661 ~~King County swimming pools are excluded from the provisions of K.C.C. 7.12.040.))~~

662 SECTION 16. Ordinance 6798, Section 5, as amended, and K.C.C. 7.12.050 are  
663 each hereby amended to read as follows:

664 **Special use permits.**

665 A. ~~((Groups which do))~~ Uses not meeting all of the requirements ~~((set forth))~~ in  
666 K.C.C. 7.12.040 ~~((and groups which))~~, and any other private uses of parks and recreation  
667 facilities of less than thirty days in a twelve-month period not governed by another code  
668 provision, may be ~~((granted))~~ authorized by special use permits granted by the  
669 ~~((department, and will be charged a))~~ director. A fee ~~((will))~~ shall be charged for ~~((such))~~  
670 those uses. The director shall determine the amount of the fee. ~~((Where))~~ As  
671 appropriate, the director shall specify special conditions of use ~~((will be established by~~  
672 ~~the department))~~ and ~~((so noted))~~ note the conditions on the special use permit. ~~((A~~  
673 ~~schedule of the charges for special services in King County recreational facilities will be~~  
674 ~~established by the department with the approval of the King County council.))~~ Special  
675 use permits may have a term of up to five years without requiring council approval.

676 B. ~~((Groups))~~ Those applying for special use permits for activities at which the  
677 consumption of alcoholic beverages is intended~~((;))~~ must meet the requirements of state  
678 law with respect to liquor permits ~~((as-a-precondition))~~ and this chapter. During the  
679 course of the activity, the state liquor permit must be displayed within the area.

680 SECTION 17. Ordinance 6798, Section 6, and K.C.C. 7.12.060 are each hereby  
681 amended to read as follows:

682 **Cancellation of reservation or permit.** The division ~~((reserves the right to))~~  
683 may cancel a ~~((permittee's))~~ reservation or permit for cause or if the division wishes to  
684 make use of the facility ~~((which))~~ that in the judgment of the division supersedes the need  
685 of the permittee. Notice of the division's cancellation for priority use shall be given at  
686 least twenty-four hours in advance of the reserved or permitted use. Notice of  
687 cancellation for cause may be given at any time.

688 SECTION 18. Ordinance 6798, Section 8, and K.C.C. 7.12.080 are each hereby  
689 amended to read as follows:

690 **Use of facilities – ~~((B))~~building use hours.** Activities ~~((for groups))~~ of persons  
691 using ~~((the))~~ facilities ~~((Sundays through Thursdays))~~ shall ~~((normally))~~ cease at 10:00  
692 p.m. ~~((unless otherwise approved on the use permit. O))~~ on Sundays through Thursdays  
693 and at 12:30 a.m. on Fridays and Saturdays ~~((groups must agree to be out of the facilities~~  
694 ~~by 12:30 a.m.))~~, unless otherwise approved in the use permit.

695 SECTION 19. Ordinance 6798, Section 15, and K.C.C. 7.12.150 are each hereby  
696 amended to read as follows:

697 **Facility use – ~~((S))~~sale of goods or services.** The use of parks and recreation  
698 facilities for financial gain shall be allowed only through permits, concession contracts

699 ~~((secured by the county's competitive bid process, negotiated concession contracts or~~  
700 ~~special use permit issued by the division)), leases and other authorized agreements with~~  
701 ~~the county.~~

702 SECTION 20. Ordinance 6798, Section 24, and K.C.C. 7.12.240 are each hereby  
703 amended to read as follows:

704 **Parking lots and roadways – ~~((G))~~games prohibited.** Games of any kind are  
705 prohibited in parking lots and roadways of all division facilities, except when those areas  
706 are closed for special events.

707 SECTION 21. Ordinance 6798, Section 44, and K.C.C. 7.12.440 are each hereby  
708 amended to read as follows:

709 **Littering.** No person shall leave, deposit, drop or scatter bottles, broken glass,  
710 ashes, food, waste paper, cans~~((;))~~ or other rubbish or material in a King County park  
711 area, except in a garbage can or other receptacle designated for ~~((such))~~ those purposes.

712 NEW SECTION. SECTION 22. There is hereby added to K.C.C. chapter 7.12 a  
713 new section, to read as follows:

714 **Off-limits areas.** A person may not enter upon areas of parks and recreation  
715 facilities that have been designated off limits by the manager or the manager's designee  
716 under section 14 of this ordinance. This section does not apply to authorized county  
717 employees.

718 SECTION 23. Ordinance 6798, Section 61, and K.C.C. 7.12.610 are each hereby  
719 amended to read as follows:

720 **Solicitation.** ~~((No))~~ A person shall not, in any King County parks and recreation  
721 facility, except by lease under K.C.C. chapter 4.56, concession contract under K.C.C.



722 chapter 4.57, by advertising, sponsorship or naming rights agreement under section 10 of  
723 this ordinance or by permits under K.C.C. 7.12.040 or 7.12.050:

724 A. ((s))Solicit, sell((;)) or peddle any goods, services, wares, merchandise,  
725 liquids((;)) or edibles for human consumption((; or));

726 B. ((d))Distribute or post any handbills, circulars((;)) or signs((;)); or

727 C. ((u))Use any loud((-))speakers or other amplifying devices((; in any King  
728 County park area, except by concession contract or by special use permit issued by the  
729 division)).

730 SECTION 24. Ordinance 6798, Section 64, and K.C.C. 7.12.640 are each hereby  
731 amended to read as follows:

732 **Alcoholic ((B))beverages.** Selling, opening or possessing alcoholic beverages in  
733 an open container, or consuming any alcoholic beverage in a King County parks((;)) and  
734 recreation facility ((area)) or associated marine area is prohibited except in ((the  
735 following)) areas designated ((subject to approval)) by the manager or the manager's  
736 designee((-and under the following conditions)). Alcohol shall be consumed only within  
737 designated areas, and activities shall comply with all Washington State Liquor Control  
738 Board requirements.

739 ~~((A. The sale and consumption of alcoholic beverages is permissible in the club~~  
740 ~~house at the Enumelaw golf course.~~

741 ~~B. The sale and consumption of alcoholic beverages is permissible for special use~~  
742 ~~permit groups at the King County fairgrounds, if the activities conform to the~~  
743 ~~requirements of the Washington State Liquor Control Board under Title 66 RCW.~~

744           C. ~~The sale and consumption of alcoholic beverages is permissible at designated~~  
745           indoor and outdoor locations within Marymoor Park, King County Aquatic Center and  
746           indoors at the Lake Wilderness Center, Gold Creek Lodge in Woodinville and Issaquah  
747           Lodge at Beaver Lake by special use permit groups, if the activities conform to the  
748           requirements of the Washington State Liquor Control Board under Title 66 RCW, and  
749           that the serving and consumption is confined to the designated location. The director  
750           shall designate the locations within the park and recreational facility where the activity  
751           is permissible. The director of parks and recreation may issue a special use permit to the  
752           Team Seattle National Events Committee, allowing the sale and consumption of  
753           alcoholic beverages by the special use permit group at Fort Dent Park, during the Men's  
754           Masters 45 & Over Slow Pitch Softball National Championship Tournament for the  
755           inclusive dates of September 10 through 12, 1999.))

756           NEW SECTION. SECTION 25. There is hereby added to K.C.C. chapter 2.80 a  
757           new section to read as follows:

758           **Exemption – gifts, bequests or donations for parks and recreation purposes.**  
759           This chapter does not apply to gifts, bequests or donations, of under fifty thousand  
760           dollars, received for parks and recreation purposes.

761           SECTION 26. Ordinance 6835, Section 3, and K.C.C. 2.99.030 are each hereby  
762           amended to read as follows:

763           **Policies.** The following policies shall govern the establishment of fees and the  
764           amount of fees:

765           A. Any fee ((where)) for which the amount or rate is established by state statute  
766           is exempt from ((the provisions of)) this chapter.

767 B. King County may establish any fee, consistent with policies of this chapter,  
768 unless specifically prohibited by state statute.

769 C. Any fees established by the prosecuting attorney, superior court~~((s))~~ or district  
770 court at their discretion ~~((pursuant to))~~ under authority granted by state statute are exempt  
771 from ~~((the provisions of))~~ this chapter.

772 D. Any fees established by the county board of health ~~((pursuant to))~~ under state  
773 statute are exempt from ~~((the provisions of))~~ this chapter.

774 E. Any fees set by the department of natural resources and parks are exempt from  
775 this chapter.

776 F. The following fees ~~((f))~~ and the amount of fees~~((t))~~ must be established by  
777 ordinance, unless specific administrative fee-setting authority is granted by ordinance to a  
778 county agency~~((s))~~ or official:

- 779 1. Regulatory fees; and  
780 2. Enterprise fund fees~~((s))~~;  
781 3. ~~Swimming pool and other recreational service fees charged as a condition of~~  
782 ~~using county recreational facilities or of participating in a recreational program/activity~~  
783 ~~run by a county agency)).~~

784 ~~((F.))~~ G. For all other fees-for-service not specified in ~~((K.C.C. 2.99.030 A.~~  
785 ~~through E.))~~ subsections A. through F. of this ~~((chapter))~~ section, the following policies  
786 and procedures ~~((will))~~ apply:

- 787 1. The executive may establish changes in the existing amounts or rates of fees-  
788 for-service and may establish new fees-for-service by submitting the proposed schedule  
789 of fee changes to the county council at the time the executive proposed annual budget is

790 submitted. The proposed schedule of fee changes shall also be filed with the clerk of the  
791 council.

792 2. The proposed schedule of fee changes shall include the following information  
793 for each proposed fee change:

794 a. ~~((F))~~fee ~~((T))~~title and ~~((D))~~description. ~~((This section))~~ The description  
795 should indicate whether the proposal is a change in the amount of an existing fee or a  
796 proposed new fee.

797 b. ~~((P))~~proposed ~~((A))~~amount~~((/))~~ or ~~((R))~~rate. If the proposal is a change to  
798 an existing fee, both the existing amount~~((/))~~ or rate and the proposed amount~~((/))~~ or rate  
799 should be indicated.

800 c. ~~((E))~~effective ~~((D))~~date of the ~~((C))~~change. ~~((This))~~ The date should be the  
801 first day of the next calendar year.

802 d. ~~((L))~~legal ~~((A))~~authority. ~~((This section))~~ The information should cite this  
803 chapter or a more specific ordinance~~((/))~~ or statute, if any, granting fee-setting authority.

804 e. ~~((R))~~reason for ~~((C))~~change. ~~((This section))~~ The information should  
805 indicate the reason for the change and the methodology used to determine the proposed  
806 amount~~((/))~~ or rate.

807 3. Following receipt of the executive proposed schedule of fee changes, the  
808 county council may enact an ordinance adopting or modifying the proposed schedule. If  
809 ~~((no))~~ council action is not taken on the proposed schedule within ~~((75))~~ seventy-five  
810 days of receipt, the proposed fee changes shall become effective as submitted by the  
811 executive on the first day of the calendar year following executive submittal.

812 4. Any changes in fees-for-service amounts or any new fees-for-service  
 813 proposed by the executive at times other than that specified in this section must be  
 814 submitted to the county council in the form of a proposed ordinance(~~(;)~~), and ~~((such))~~ the  
 815 changes shall not be effective unless enacted by ordinance.

816 5. The fee-for-service amounts proposed by the executive (~~((pursuant to))~~) under  
 817 this section shall reflect all reasonable costs of providing the service.

818 SECTION 27. Ordinance 12076, Section 9, as amended, and K.C.C. 4.08.015 are  
 819 each hereby amended to read as follows:

820 **First tier funds and designated fund managers.**

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

<b>Fund No.</b>	<b>Fund Title</b>	<b>Fund Manager</b>
103	County Road	Dept. of Transportation
104	Solid Waste Landfill Post Closure Maintenance	Dept. of Natural Resources and Parks
109	Recorder's O & M	Dept. of Executive Services
111	Enhanced-911 Emergency Tel System	Dept. of Executive Services
112	Mental Health	Dept. of Community & Human Services
115	Road Improvement Guaranty	Dept. of Transportation
119	Emergency Medical Services	Dept. of Public Health
121	Surface Water Management	Dept. of Natural Resources and Parks
122	Automated Fingerprint Identification System	Dept. of Public Safety
125	Bridge Replacement	Dept. of Transportation

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128	Local Hazardous Waste	Dept. of Public Health
129	Youth Sports Facilities Grant	Dept. of Natural Resources and Parks
131	Noxious weed control fund	Dept. of Natural Resources and Parks
134	Development and Environmental Services	Dept. of Development & Environmental Svcs
137	Clark Contract administration fund	Budget Organization in Executive Office
164	Two-Tenths Sales Tax Revenue Receiving	Dept. of Transportation
165	Public Transit Self Insurance	Dept. of Transportation
305	Police Field Fac Const 1987	Dept. of Public Safety
309	Neighborhood Parks & Open Space	Dept. of Executive Services
312	HMC Long Range CIP	Dept. of Executive Services
313	Health Department Clinic Projects Const	Dept. of Executive Services
315	Conservation Futures Levy	Dept. of Natural Resources and Parks
316	Parks, Rec. & Open Space	Dept. of Executive Services
318	Surface & Storm Water Mgmt Const	Dept. of Natural Resources and Parks
319	Youth Svcs Detention Facility Const	Dept. of Executive Services
320	One Percent for Art	Office of Cultural Resources
322	Housing Opportunity Acquisition	Dept. of Community & Human Services
326	1990 Series B Youth Detention Facility	Dept. of Executive Services
327	Equipment and Building Acquisition	Dept. of Executive Services
329	SWM CIP Construction 1992-1997	Dept. of Natural Resources and Parks

330	River and Flood Control Const 1961	Dept. of Natural Resources and Parks
331	Long-term leases	Dept. of Executive Services
333	Health Centers Construction	Dept. of Executive Services
334	Capital Acqn and County Fac Renovation	Budget Organization in Executive Office
335	Youth Services Facilities Construction	Dept. of Executive Services
336	Arterial Highway Development	Dept. of Transportation
338	Airport Construction	Dept. of Transportation
339	Working Forest 1995 B	Dept. of Natural Resources and Parks
340	Parks CIP	Dept. of Natural Resources and Parks
340-3	Urban Reforestation & Habitat Restoration	Dept. of Natural Resources and Parks
341	Arts and Historic Preservation Capital	Office of Cultural Resources
342	Major Maintenance Reserve	Dept. of Executive Services
343	Core GIS Capital Project	Dept of Natural Resources and Parks
346	Regional Justice Center Construction	Dept. of Executive Services
347	Emergency Communications System	Dept. of Executive Services
349	Parks Facilities Rehabilitation	Dept. of Executive Services
350	Open Space Acquisition	Dept. of Natural Resources and Parks
364-3	Transit cross-border lease financing fund	Dept. of Executive Services
368	Real Estate Excise Tax Capital Summary Fund	Dept. of Executive Services

369	Transfer of development credits program (TDC) fund	Dept. of Natural Resources Parks
377-1	OIRM Capital Fund	Office of Information Resource Management
378	Information and telecommunications capital improvement fund	Dept. of Executive Services
381	Solid Waste Cap Equip Recovery	Dept. of Natural Resources and Parks
383	Solid Waste Environmental Reserve	Dept. of Natural Resources and Parks
384	Farmland and Open Space Acquisition	Dept. of Natural Resources and Parks
385	Renton Maintenance Fac Const	Dept. of Transportation
386	County Road Construction	Dept. of Transportation
387	HMC Construction	Dept. of Executive Services
388	Jail Renovation & Construction	Dept. of Executive Services
390	Solid Waste Construction	Dept. of Natural Resources and Parks
391	Solid Waste Landfill Reserve	Dept. of Natural Resources and Parks
394	Kingdome CIP	Dept. of Executive Services
395	Building Repair & Replace	Dept. of Executive Services
396	HMC Building Repair and Replacement	Dept. of Executive Services
404	Solid Waste Operating	Dept. of Natural Resources and Parks
429	Airport Operating	Dept. of Transportation
448	Stadium Management	Dept. of Executive Services
461	Water Quality	Dept. of Natural Resources and Parks
464	Public Transportation	Dept. of Transportation



542	Safety & Workers' Compensation	Dept. of Executive Services
543	Transit nonrevenue vehicle rental and revolving fund	Dept. of Transportation
544	Wastewater equipment rental and revolving fund	Dept. of Transportation
547	Office of information resource management operating fund	Dept. of Executive Services
550	Employee Benefits Program	Dept. of Executive Services
551	Facilities Management	Dept. of Executive Services
552	Insurance	Dept. of Executive Services
557	Public Works Equipment Rental	Dept. of Transportation
558	Motor Pool Equipment Rental	Dept. of Transportation
559	Purchasing Stores	Dept. of Executive Services
560	Printing/Graphic Arts Services	Dept. of Executive Services
603	Cultural Resources Endowment	Office of Cultural Resources
622	Judicial Administration Trust Agency	and Dept. of Judicial Administration
624	School District Impact Fee	Budget Organization in Executive Office
674	Refunded Ltd GO Bond Rdmp.	Dept. of Executive Services
675	Refunded Unltd GO Bond	Dept. of Executive Services
676	H&CD Escrow	Dept. of Executive Services
693	Deferred Compensation	Dept. of Executive Services
696	Mitigation Payment System	Dept. of Transportation

843	DMS Limited GO Bonds	Dept. of Executive Services
845	Clark Contract Administration fund	Budget Organization in Executive Office
890	ULID Assessment – 1981	Dept. of Transportation
2150	Grants tier 1 fund	Dept. of Finance
—	Institutional network operating fund	Dept. of Information & Administrative Services
—	<u>Parks trust and contribution fund</u>	<u>Department of natural resources and parks</u>

822 B. The following shall also be first tier funds:

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

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

834 3. Any other fund as the council may hereinafter prescribe by ordinance to be  
835 invested for its own benefit. County funds shall be treated as provided in K.C.C.

836 4.10.110 unless a designation is made by the council.

837            SECTION 28. Ordinance 12076, Section 9, as amended, and K.C.C. 4.08.015 are  
 838 each hereby amended to read as follows:

839            **First tier funds and designated fund managers.**

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

<b>Fund No.</b>	<b>Fund Title</b>	<b>Fund Manager</b>
103	County Road	Dept. of Transportation
104	Solid Waste Landfill Post Closure Maintenance	Dept. of Natural Resources and Parks
109	Recorder's O & M	Dept. of Executive Services
111	Enhanced-911 Emergency Tel System	Dept. of Executive Services
112	Mental Health	Dept. of Community & Human Services
115	Road Improvement Guaranty	Dept. of Transportation
119	Emergency Medical Services	Dept. of Public Health
121	Surface Water Management	Dept. of Natural Resources and Parks
122	Automated Fingerprint Identification System	Dept. of Public Safety
125	Bridge Replacement	Dept. of Transportation
128	Local Hazardous Waste	Dept. of Public Health
129	Youth Sports Facilities Grant	Dept. of Natural Resources and Parks
131	Noxious weed control fund	Dept. of Natural Resources and Parks
134	Development and Environmental Services	Dept. of Development & Environmental Svcs
137	Clark Contract administration fund	Budget Organization in Executive Office

164	Two-Tenths Sales Tax Revenue	Dept. of Transportation
	Receiving	
165	Public Transit Self Insurance	Dept. of Transportation
305	Police Field Fac Const 1987	Dept. of Public Safety
309	Neighborhood Parks & Open Space	Dept. of Executive Services
312	HMC Long Range CIP	Dept. of Executive Services
313	Health Department Clinic Projects	Dept. of Executive Services
	Const	
315	Conservation Futures Levy	Dept. of Natural Resources and Parks
316	Parks, Rec. & Open Space	Dept. of Executive Services
318	Surface & Storm Water Mgmt Const	Dept. of Natural Resources and Parks
319	Youth Svcs Detention Facility Const	Dept. of Executive Services
320	One Percent for Art	Office of Cultural Resources
322	Housing Opportunity Acquisition	Dept. of Community & Human Services
326	1990 Series B Youth Detention Facility	Dept. of Executive Services
327	Equipment and Building Acquisition	Dept. of Executive Services
329	SWM CIP Construction 1992-1997	Dept. of Natural Resources and Parks
330	River and Flood Control Const 1961	Dept. of Natural Resources and Parks
331	Long-term leases	Dept. of Executive Services
333	Health Centers Construction	Dept. of Executive Services
334	Capital Acqn and County Fac	Budget Organization in Executive Office
	Renovation	
335	Youth Services Facilities Construction	Dept. of Executive Services

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336	Arterial Highway Development	Dept. of Transportation
338	Airport Construction	Dept. of Transportation
339	Working Forest 1995 B	Dept. of Natural Resources and Parks
340	Parks CIP	Dept. of Natural Resources and Parks
340-3	Urban Reforestation & Habitat Restoration	Dept. of Natural Resources and Parks
341	Arts and Historic Preservation Capital	Office of Cultural Resources
342	Major Maintenance Reserve	Dept. of Executive Services
343	Core GIS Capital Project	Dept. of Natural Resources and Parks
346	Regional Justice Center Construction	Dept. of Executive Services
347	Emergency Communications System	Dept. of Executive Services
349	Parks Facilities Rehabilitation	Dept. of Executive Services
350	Open Space Acquisition	Dept. of Natural Resources and Parks
364-3	Transit cross-border lease financing fund	Dept. of Executive Services
((368	<del>Real Estate Excise Tax Capital</del>	<del>Dept. of Executive Services))</del>
	<del>Summary Fund</del>	
369	Transfer of development credits program (TDC) fund	Dept. of Natural Resources Parks
377-1	OIRM Capital Fund	Office of Information Resource Management
378	Information and telecommunications capital improvement fund	Dept. of Executive Services

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381	Solid Waste Cap Equip Recovery	Dept. of Natural Resources and Parks
383	Solid Waste Environmental Reserve	Dept. of Natural Resources and Parks
384	Farmland and Open Space Acquisition	Dept. of Natural Resources and Parks
385	Renton Maintenance Fac Const	Dept. of Transportation
386	County Road Construction	Dept. of Transportation
387	HMC Construction	Dept. of Executive Services
388	Jail Renovation & Construction	Dept. of Executive Services
390	Solid Waste Construction	Dept. of Natural Resources and Parks
391	Solid Waste Landfill Reserve	Dept. of Natural Resources and Parks
394	Kingdome CIP	Dept. of Executive Services
395	Building Repair & Replace	Dept. of Executive Services
396	HMC Building Repair and Replacement	Dept. of Executive Services
404	Solid Waste Operating	Dept. of Natural Resources and Parks
429	Airport Operating	Dept. of Transportation
448	Stadium Management	Dept. of Executive Services
461	Water Quality	Dept. of Natural Resources and Parks
464	Public Transportation	Dept. of Transportation
542	Safety & Workers' Compensation	Dept. of Executive Services
543	Transit nonrevenue vehicle rental and revolving fund	Dept. of Transportation
544	Wastewater equipment rental and revolving fund	Dept. of Transportation
547	Office of information resource	Dept. of Executive Services

	management operating fund	
550	Employee Benefits Program	Dept. of Executive Services
551	Facilities Management	Dept. of Executive Services
552	Insurance	Dept. of Executive Services
557	Public Works Equipment Rental	Dept. of Transportation
558	Motor Pool Equipment Rental	Dept. of Transportation
559	Purchasing Stores	Dept. of Executive Services
560	Printing/Graphic Arts Services	Dept. of Executive Services
603	Cultural Resources Endowment	Office of Cultural Resources
622	Judicial Administration Trust Agency	and Dept. of Judicial Administration
624	School District Impact Fee	Budget Organization in Executive Office
674	Refunded Ltd GO Bond Rdmp.	Dept. of Executive Services
675	Refunded Unltd GO Bond	Dept. of Executive Services
676	H&CD Escrow	Dept. of Executive Services
693	Deferred Compensation	Dept. of Executive Services
696	Mitigation Payment System	Dept. of Transportation
843	DMS Limited GO Bonds	Dept. of Executive Services
845	Clark Contract Administration fund	Budget Organization in Executive Office
890	ULID Assessment – 1981	Dept. of Transportation
2150	Grants tier 1 fund	Dept. of Finance
—	Institutional network operating fund	Dept. of Information & Administrative Services

— Parks trust and contribution fund Department of natural resources and parks

841 B. The following shall also be first tier funds:

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

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

852 3. Any other fund as the council may hereinafter prescribe by ordinance to be  
853 invested for its own benefit. County funds shall be treated as provided in K.C.C.  
854 4.10.110 unless a designation is made by the council.

855 SECTION 29. Ordinance 12076, Section 10, as amended, and K.C.C. 4.08.025  
856 are each hereby amended to read as follows:

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

860 **Second Tier Funds**

<b>Fund No.</b>	<b>Fund Title</b>	<b>Fund Manager</b>
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001	Current Expense	Budget Organization in Executive Office
102	Criminal Justice	Budget Organization in Executive Office
105	River Improvement	Dept. of Natural Resources and Parks
106	Veterans' Relief	Dept. of Community & Human Services
107	Developmental Disabilities	Dept. of Community & Human Services
108	Civil Defense	Dept. of Public Safety
116	Arts and Cultural Education Program	Office of Cultural Resources
117	Arts and Cultural Development	Office of Cultural Resources
120	Treasurer's O & M	Dept. of Executive Services
126	Alcohol & Substance Abuse Services	Dept. of Community & Human Services
180	Public Health	Dept. of Public Health
182	Inter-County River Improvement	Dept. of Natural Resources and Parks
214	Miscellaneous Grants	Dept. of Executive Services
224	Youth Employment Programs	Dept. of Community & Human Services
246	Community Dev Block Grant	Dept. of Community & Human Services
<u>368</u>	<u>Real Estate Excise Tax</u> <u>Capital Summary Fund</u>	<u>Dept. of Executive Services</u>
548	Geographic Information Systems	Dept. of Natural Resources and Parks

553	Computer and Communication Services	Dept. of Executive Services
661	Deceased Effects	Dept. of Executive Services
662	Real Prop Title Assurance	Dept. of Executive Services
663	Treasurer's Prop Tax Refund	Dept. of Executive Services
664	Prop Tax Foreclosure Sale Excess	Dept. of Executive Services
666	Real Prop Advance Tax Collection	Dept. of Executive Services
668	Ad Valorem Tax Refund	Dept. of Executive Services
669	Certificate of Redemption LID assmt.	Dept. of Executive Services
670	Undistributed Taxes	Dept. of Executive Services
672	Cert/redemption Real Prop	Dept. of Executive Services
673	Miscellaneous Tax Distribution	Dept. of Executive Services
677	Property Tax Suspense	Dept. of Executive Services
678	King County Fiscal Agent	Dept. of Executive Services
697	Mailroom Prop Tax Refund	Dept. of Executive Services
698	Miscellaneous Agency	Dept. of Executive Services
699	Assessment Distribution/Refund	Dept. of Executive Services
840	Limited GO Bond	Dept. of Executive Services

Redemption

850 Unlimited GO Bond Dept. of Executive Services

Redemption

851 Stadium GO Bond Dept. of Executive Services

Redemption

861 SECTION 30. Sections 28 and 29 of this ordinance take effect January 1, 2003.

862 NEW SECTION. SECTION 31. There is hereby added to K.C.C. chapter 4.08 a  
863 new section to read as follows:

864 **Parks trust and contribution fund.** There is hereby created the parks trust and  
865 contribution fund. The fund shall be a first tier fund as described in this chapter. The  
866 parks and recreation division manager shall be the manager of the fund. All receipts and  
867 earnings from gifts, bequests and donations shall be deposited and credited to the fund.  
868 The fund may only be used for parks and recreation purposes.

869 SECTION 32. Ordinance 6110, Section 4, as amended, and K.C.C. 4.32.020 are  
870 each hereby amended to read as follows:

871 **Real estate excise tax capital summary fund created.** There is hereby created  
872 ~~((a new county fund entitled))~~ the real estate excise tax capital summary fund, which  
873 functions as a capital improvement project fund. The fund shall be a second tier fund.  
874 The department of executive services shall be the fund manager.

875 SECTION 33. Ordinance 6110, Section 5, and K.C.C. 4.32.030 are each hereby  
876 amended to read as follows:

877 **Distribution of proceeds of tax and interest earnings.**

878           A. The proceeds of the tax imposed by K.C.C. 4.32.010 of this chapter shall be  
879 credited to the ~~((U))~~unincorporated ~~((C))~~capital ~~((I))~~improvement ~~((F))~~fund and may only  
880 be used for capital needs of the unincorporated area of the county. One percent of the  
881 proceeds of the tax shall be credited to the county current expense fund to defray the  
882 administrative costs of collection.

883           B. The proceeds from the interest earnings from the proceeds of the tax imposed  
884 by K.C.C. 4.32.010 may only be used for parks and recreation purposes as defined in  
885 section 4 of this ordinance.

886           SECTION 34. Sections 32 and 33 of this ordinance take effect January 1, 2003.

887           SECTION 35. Ordinance 12045, Section 14, as amended, and K.C.C. 4.56.150  
888 are each hereby amended to read as follows:

889           **Authority to lease or rent county real property.**

890           A. If it appears that it is ~~((for))~~ in the best interests of the county ~~((and the people~~  
891 ~~thereof))~~, the county may lease any county real property and its appurtenances for a year  
892 or a term of years under the limitations and restrictions and in the manner provided in this  
893 chapter.

894           B. The county may lease ~~((such))~~ county real property and its appurtenances in  
895 accordance with subsection A of this section whether ~~((such))~~ the property was acquired  
896 by tax deed under foreclosure proceedings for nonpayment of taxes or ~~((whether))~~ the  
897 property is held or acquired in any other manner.

898           C. Any lease executed under ~~((the authority of the provisions of))~~ this section  
899 creates a vested interest and a contract binding upon the county and the lessee.

900 D. The county may enter into rental agreements for a term less than one year,  
901 including month-to-month rental agreements, on terms and conditions that are in the best  
902 interest of the county. All ~~((such))~~ rental agreements for a term less than one year are  
903 subject to approval by the executive based on recommendations of the facilities  
904 management division. Rental agreements for a term less than one year are exempt from  
905 the appraisal~~((;))~~ and notice requirements pertaining to leases for a year or more~~((;~~  
906 ~~provided, that))~~. ~~((t))~~The facilities management division shall maintain a file of  
907 appropriate correspondence or ~~((such))~~ other information ~~((which))~~ that leads to a  
908 recommendation by the facilities management division to the county executive to enter  
909 into such an agreement. ~~((Such))~~ The information shall be available for public inspection  
910 at the facilities management division for one year after termination of ~~((such))~~ the  
911 tenancies.

912 E.1. The county may~~((, in the best interests of the county,))~~ enter into agreements  
913 for the use of county property with bona fide nonprofit organizations~~((;))~~ or with another  
914 governmental agency ~~((when))~~ if the property is to be used in any one or more of the  
915 following ways:

916 a. for a medical training and research facility connected with a county hospital,  
917 or ~~((wherein));~~

918 b. by the nonprofit organization or government agency ~~((is either to use the~~  
919 ~~property))~~ for affordable housing~~((,))~~

920 c. by the nonprofit organization or government agency to make improvements  
921 to the county property ~~((and/));~~ or

922 d. by the nonprofit organization or government agency to provide services  
923 ~~((which))~~ that will benefit the public.

924 2. ~~((Such))~~ The agreements ~~((will be))~~ are exempt from the requirements of fair  
925 market value, appraisal~~((s))~~ and notice. ~~((Such))~~ The agreements are subject to the  
926 approval of the executive, based upon recommendation of the facilities management  
927 division and the department having custodianship of the property subject to the  
928 agreement~~((, provided that))~~. ~~((t))~~ The facilities management division shall maintain a file  
929 of appropriate correspondence or ~~((such))~~ other information ~~((which))~~ that leads to a  
930 recommendation by the division to the county executive to enter into such an agreement.  
931 ~~((Such))~~ The information shall be available for public inspection at the facilities  
932 management division for one year after termination of ~~((such))~~ the tenancies.

933 F. For rental or lease agreements~~((, including concession agreements, on county))~~  
934 for parks ((or open space properties)) and recreation facilities, the natural resources and  
935 parks department shall have the authorities and responsibilities specified in subsections D  
936 and E of this section for the facilities management division. County council approval is  
937 not required for rental or lease agreements for parks and recreational facilities with an  
938 original term of five years or less. For the purposes of this subsection, "original term"  
939 includes extensions that could be effective without county approval. Revenue derived  
940 from rentals and leases of parks and recreation facilities shall be applied solely to parks  
941 and recreation purposes.

942 SECTION 36. Ordinance 12045, Section 17, as amended, and K.C.C. 4.56.180  
943 are each hereby amended to read as follows:

944 **Lease terms.**

945 A. The county may lease real property for a term of years and upon such terms  
946 and conditions as may be deemed in the best interests of the public and the county.

947 ~~((No))~~ A lease shall not be for a longer term in any one instance than ten years, except as  
948 follows:

949 1. ~~((When))~~ If the county determines it to be in the best ~~((public))~~ interest of the  
950 county, real property necessary to the support or expansion of an adjacent facility may be  
951 leased to the lessee of the adjacent facility for a term to expire simultaneously with the  
952 term of the lease of the adjacent facility, but not to exceed thirty-five years;

953 2. ~~((When))~~ If the county determines it to be in the best ~~((public))~~ interest of the  
954 county, ~~((where))~~ if the property to be leased is improved or is to be improved and the  
955 value of the improvement is or will be at least equal to the value of the property to be  
956 leased, the county may lease ~~((such))~~ the property for a term not to exceed thirty-five  
957 years;

958 3. ~~((Where))~~ If the property to be leased is to be used for public recreation and  
959 police training purposes, for parks and recreation purposes, for a hospital or a medical  
960 training and research facility, for the county's own use ~~((pursuant to))~~ in accordance with  
961 a lease~~((/))~~ or leaseback arrangement entered into ~~((pursuant to the provisions of))~~ under  
962 K.C.C. 4.56.160E or for major airport, industrial, office or other commercial purposes or  
963 transit-oriented development, requiring extensive improvements, the county may lease  
964 ~~((such))~~ the property for a term equal to the estimated useful life of the improvements,  
965 but not to exceed fifty years; unless the property is leased to a public housing authority or  
966 nonprofit organization in accordance with RCW 36.34.135, in which case the term may  
967 extend to seventy-five years; and

968 4. Leases entered into under K.C.C. 4.56.160D may extend for the period of  
969 years necessary to amortize the special purpose funds, not to exceed twenty-five years.

970 B. The lessee shall not improve or alter the leased property in any manner  
971 without the prior written consent of the county, but shall, before making improvements or  
972 alterations, submit plans and designs ~~((therefor))~~ for the improvement or alteration to the  
973 county for approval. ~~((In the event that))~~ If the plans and designs are disapproved,  
974 ~~((such))~~ the improvements or alterations shall be made only with such changes as may be  
975 required by the county. Unless otherwise stipulated, all improvements or alterations  
976 erected or made on the leased property shall, on expiration or sooner termination of the  
977 lease, belong to the county without compensation to the lessee, but the county shall have  
978 the option, to be exercised on expiration or sooner termination of this lease, to require the  
979 lessee to remove any or all ~~((such))~~ of the improvements or alterations. If the lessee fails  
980 substantially to make the improvements or alterations required by the lease, the lease  
981 shall be terminated and all rentals paid shall be forfeited to the county.

982 C. Except for lease~~((/))~~ or leaseback arrangements entered into ~~((pursuant to the~~  
983 ~~provisions of))~~ under K.C.C. 4.56.160E, any lease made for a ~~((longer))~~ longer  
984 than five years shall contain provisions requiring the lessee to permit the ~~((rentals))~~ rents  
985 to be adjusted and fixed by the county every five years, but any lease may provide for  
986 more frequent readjustments. ~~((When))~~ If the lease permits the county to adjust the rent,  
987 the county ~~((will))~~ shall give the lessee written notice of the adjusted rent, in accordance  
988 with the terms of the lease. The rent as adjusted shall take effect thirty days after the date  
989 of the notice~~((--U))~~ unless the lessee, within thirty days following the receipt of the notice  
990 from the county, gives the county written notice of ~~((his or her))~~ the lessee's rejection of



991 the adjusted rent(~~(, the rent as adjusted by the county will be the rent for the appropriate~~  
992 period)). If the lessee and the county cannot agree upon the rental readjustment, the rent  
993 (~~for the period will~~) shall be adjusted by arbitration. For arbitration, (~~(F)~~)the lessee and  
994 the county (~~will~~) shall each select one disinterested arbitrator(~~(s)~~) and the two selected  
995 arbitrators (~~will~~) shall select a third. If the two arbitrators have not selected a third  
996 arbitrator within thirty days after the selection of the last selected of the two, either the  
997 lessee or the county (~~will~~) shall apply to the presiding judge of the superior court (~~(in)~~)  
998 for King County for the appointment of a third arbitrator. Each arbitrator (~~will~~) must be  
999 a member of the American Institute of Real Estate Appraisers, the Society of Real Estate  
1000 Appraisers or other appraisal society or association having equivalent ethical and  
1001 professional standards. If(~~, in the future,~~) a licensing requirement for real estate  
1002 appraisers is imposed by any legislative body, each arbitrator (~~will~~) shall also be so  
1003 licensed. The three arbitrators (~~will~~) shall determine a fair rent for the premises based  
1004 upon the fair market rental value of the property, as defined in K.C.C. 4.56.010. The  
1005 decision of a majority of the arbitrators (~~will~~) shall bind both the lessee and the county.  
1006 At the conclusion of the arbitration, the arbitrators (~~will~~) shall submit written reports to  
1007 the lessee and the county. The cost of the arbitration (~~will~~) shall be divided equally  
1008 between the lessee and the county.

1009 D. Except as provided in K.C.C. 4.56.150D and E and 4.56.160D, the rent of all  
1010 leases of county real property shall be based upon fair market rental value, as defined in  
1011 K.C.C. 4.56.010.

1012 E. No lease shall be assigned or subleased without the assignment or sublease  
1013 being first authorized by the county in writing. All leases, when drawn, shall contain this  
1014 provision.

1015 F. Notwithstanding the other provisions of this chapter~~((7))~~ and following such  
1016 procedures as may be determined appropriate by the council, the executive may enter into  
1017 long-term master leases of county property under which developers; would develop  
1018 ~~((such))~~ the property into office and other space required or approved by the county~~((7))~~;  
1019 would lease ~~((ertain))~~ some of ~~((such))~~ space back to the county and may lease space  
1020 unneeded by the county to private or public entities for private or public uses as approved  
1021 by the county council~~((7))~~; and would convey all leasehold improvements to the county at  
1022 the expiration or termination of ~~((such))~~ the master leases. ~~((Each such))~~ A master lease  
1023 shall be subject to approval by the council.

1024 SECTION 37. There is hereby added to K.C.C. chapter 4.57 a new section to  
1025 read as follows:

1026 **Definitions.** For the purposes of this chapter, unless the context clearly requires  
1027 otherwise:

1028 A. The definitions in section 4 of this ordinance apply; and

1029 B. "Concessionaire" means a person who has entered into a concession contract  
1030 with the county.

1031 SECTION 38. Ordinance 12076, Section 52, as amended, and K.C.C. 4.57.010  
1032 are each hereby amended to read as follows:

1033 **Authorization to negotiate and enter into contracts, general authority.** The  
1034 executive or the director of the department of natural resources and parks, if designated

1035 by the executive, ~~((is authorized))~~ may on behalf of the county ~~((to))~~ negotiate and enter  
1036 into concession contracts with ~~((private nonprofit organizations for the express purpose~~  
1037 ~~of utilizing existing county park facilities to provide recreational opportunities to the~~  
1038 ~~public))~~ any person. The ~~((private nonprofit organization will have))~~ contract should  
1039 provide that the person receiving the concession has the primary responsibility for  
1040 operating, managing and maintaining ((the)) any facility used during the term of the  
1041 contract.

1042 SECTION 39. Ordinance 11524, Section 1 (part), and K.C.C. 4.57.020 are each  
1043 hereby amended to read as follows:

1044 **Terms of contract.** The county may enter into a concession contract under this  
1045 chapter for a term not to exceed ~~((35))~~ thirty-five years. The county council must  
1046 approve any concession contract ((which)) with an original term that exceeds ~~((a term of~~  
1047 ~~one))~~ five years. For the purposes of this section, "original term" includes extensions that  
1048 could be effective without county approval.

1049 The county shall establish a contract fee based on, ~~((a percentage ranging from 10~~  
1050 ~~to 20 percent of))~~ among other factors, the revenue generated by the concessionaire from  
1051 recreation user fees, admission fees, sales of goods and services, and other revenue  
1052 sources directly related to the use of the subject property, with the goal of maximizing  
1053 revenue to the county((; provided,)). ~~((h))~~However ((that)), the contract fee may be  
1054 reduced to reflect ~~((the))~~ expenditures by the concessionaire ~~((of))~~ for capital  
1055 improvements. In addition, the concessionaire may receive credit for the provision of  
1056 recreational program scholarships to qualified participants and the sponsorship of  
1057 programs and events on the premises for developmentally disabled or challenged athletes

1058 or other activities that primarily benefit the public. Revenue received under concession  
1059 contracts shall be applied solely to parks and recreation purposes.

1060 SECTION 40. Ordinance 11524, Section 1 (part), and K.C.C. 4.57.030 are each  
1061 hereby amended to read as follows:

1062 **Maintenance and capital improvements.** The concession contract should  
1063 provide that the concessionaire shall be responsible for all ordinary and routine  
1064 maintenance of ~~((the))~~ any facility used during the term of the contract. Concession  
1065 contracts authorized under this chapter ~~((which))~~ that exceed a term of one year ~~((, must))~~  
1066 should include a ~~((minimum one year))~~ maintenance and improvement schedule detailing  
1067 the cost and schedule for maintaining ~~((the))~~ any facility involved. ~~((These schedules~~  
1068 ~~must be updated and submitted annually for county review and approval.))~~ In addition,  
1069 ~~((for concession contracts which exceed a term of 2 years,))~~ the county and the  
1070 concessionaire ~~((shall))~~ should agree to a cost and timing schedule of capital  
1071 improvements ~~((which)),~~ if any, that will be funded and implemented by the  
1072 concessionaire during the term of the contract. The concessionaire shall make no  
1073 alterations or improvements to or upon the premises beyond what has been established in  
1074 ~~((the))~~ an approved maintenance and capital improvement agreement~~((s,))~~ without first  
1075 obtaining written approval from King County.

1076 SECTION 41. Ordinance 11524, Section 1 (part), and K.C.C. 4.57.090 are each  
1077 hereby amended to read as follows:

1078 **Limited provision.** This chapter does not affect any other King County Code  
1079 provision relating to the county's authority to negotiate leases or contracts, including

1080 concession contracts, nor impair King County's authority to enter into concession  
1081 agreements ((for the sale of goods and services)) at King County facilities.

1082           **SECTION 42. Repealer.** Ordinance 5225, Section 2 (part), as amended, and  
1083 K.C.C. 7.08.010, Ordinance 5225, Section 2 (A), as amended, and K.C.C 7.08.020,  
1084 Ordinance 9227, Section 1 (part), as amended, and K.C.C. 7.08.025, Ordinance 5225,  
1085 Section 2 (B), as amended, and K.C.C. 7.08.030, Ordinance 6027, Sections 2, 3, as  
1086 amended, and K.C.C. 7.08.040 and Ordinance 6798, Section 1, and K.C.C. 7.12.010 are  
1087 each hereby repealed.

1088           **SECTION 43. Continuation of fees.** Until fees are set in accordance with this  
1089 ordinance, the division may continue to charge the fees in K.C.C. 7.08.010, 7.08.020,  
1090 7.08.025, 7.08.030 and 7.08.040 as they existed on the day before the effective date of  
1091 this section.

1092           **SECTION 44. Community outreach programs.** Within ninety days of the  
1093 effective date of this section, the parks and recreation division shall prepare and submit,  
1094 by filing with the clerk of the council, a proposal to the council for a community outreach  
1095 program in connection with activities of the division undertaken under this ordinance.

1096           **SECTION 45.** The director of natural resources and parks shall file with the clerk  
1097 of the council by April 30, 2003, fifteen copies of a comprehensive review of potential  
1098 alternative organizational and governance models for the King County fairgrounds,  
1099 including, but not limited to, structural alternatives such as formation of a 501(c)(3)  
1100 organization, a public development authority and contracting out management and  
1101 operation of the facility to a third party, through a competitive bid process. In developing  
1102 a recommendation for a model, the director shall consider the following:

1103           A. The ability of the alternative to support effective accounting and fiscal  
1104 tracking procedures for revenues and expenditures associated with fairground operations;

1105           B. The ability of the alternative to effectively market the features and facilities of  
1106 the fairgrounds;

1107           C. The ability of the alternative to extend the revenue-producing activities of the  
1108 fairgrounds over the entire year; and

1109           D. The ability of the alternative to support services that achieve full cost  
1110 recovery.

1111           SECTION 46. Construction. This ordinance shall be construed liberally to carry  
1112 out its purposes. Nothing in this ordinance is intended to, and nothing in this ordinance  
1113 shall be construed to, limit existing authority with respect to the subjects addressed in this  
1114 ordinance. If there is a conflict between any provision of this ordinance and any other  
1115 provision of the King County Code, this ordinance shall control.

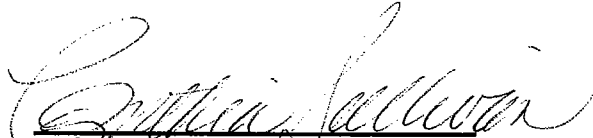
1116           SECTION 47. Severability. If any provision of this ordinance or its application

1117 to any person or circumstance is held invalid, the remainder of the ordinance or the  
1118 application of the provision to other persons or circumstances is not affected.  
1119

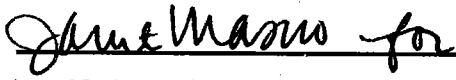
Ordinance 14509 was introduced on 9/16/2002 and passed as amended by the Metropolitan King County Council on 11/12/2002, by the following vote:

Yes: 12 - Ms. Sullivan, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr. Phillips, Mr. Pelz, Mr. McKenna, Mr. Constantine, Mr. Gossett, Ms. Hague, Mr. Irons and Ms. Patterson  
No: 1 - Mr. Pullen  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
Cynthia Sullivan, Chair

ATTEST:

  
Anne Noris, Clerk of the Council

APPROVED this 21 day of November, 2002.

  
Ron Sims, County Executive

Attachments None

RECEIVED  
2002 NOV 21 PM 3:07  
CLERK  
KING COUNTY COUNCIL