



## Legislation Details (With Text)

**File #:** 2006-0276      **Version:** 3  
**Type:** Ordinance      **Status:** Passed  
**File created:** 6/19/2006      **In control:** Capital Budget Committee  
**On agenda:**      **Final action:** 7/24/2006  
**Enactment date:** 8/2/2006      **Enactment #:** 15555

**Title:** AN ORDINANCE making a supplemental appropriation of \$28,029,318 to various capital funds to provide the appropriate level of appropriation authority and provide for the correction of errors; and amending the 2006 Budget Ordinance, Ordinance 15333, Sections 114, 117 and 118 as amended, and Attachment B, E and F as amended.

**Sponsors:** Bob Ferguson, Larry Phillips, Jane Hague, Kathy Lambert, Reagan Dunn

**Indexes:** Appropriation, Budget

**Code sections:**

**Attachments:** 1. 15555.pdf, 2. A. Adopted Ordinance 15333, Section 114: Capital Improvement Program, 3. B. Adopted Ordinance 15333, Section 117: Surface Water Management Capital Improvement Program, 4. C. Adopted Ordinance 15333, Section 118: Major Maintenance Improvement Program, 5. 2006-0276 Transmittal Letter.doc, 6. 1 -Fiscal Note 3151.xls, 7. 2-Fiscal Note 3160.xls, 8. 3-Fiscal Note 3180.xls, 9. 4-Fiscal Note 3220.xls, 10. 5-Fiscal Note 3292.xls, 11. 6-Fiscal Note 3421.xls, 12. 7-Fiscal Note 3490.xls, 13. 8-Fiscal Note 3522.xls, 14. 9-Fiscal Note 3641.xls, 15. 10-Fiscal Note 3681.xls, 16. 11-Fiscal Note 3771.xls, 17. 12-Fiscal Note 3781.xls, 18. 13-Fiscal Note 3840.xls, 19. 14-Fiscal Note 3951.xls, 20. 2006-0276 Staff Report 07-05-06.doc, 21. 2006-0276 attachment 2 (Schedule of Audit Findings) 5-7-06 Staff Report.pdf, 22. 2006-0276 Attachment 5 to 7-19-06 Staff Report.pdf, 23. 2006-0276 Attachment 6 to 7-19-06 Staff Report.pdf, 24. 2006-0276 Attachment 7 to 7-19-06 Staff Report.pdf, 25. 2006-0276 Attachment 8 to 7-19-06 Staff Report.pdf, 26. 2006-0276 Attachment 9 to 7-19-06 StaffReport.pdf, 27. 2006-0276 Revised Staff Report.doc, 28. 2006-0276 Staff Report 7-19-06.doc, 29. A. Adopted Ordinance 15333, Section 114: Capital Improvement Program dated July 24, 2006, 30. A. Adopted Ordinance 15333, Section 114: Capital Improvement Program dated July 24, 2006, 31. A. Adopted Ordinance 15333, Section 114: Capital Improvement Program dated 7-19-06, 32. B. Adopted Ordinance 15333, Section 117: Surface Water Management Capital Improvement Program dated July 24, 2006, 33. B. Adopted Ordinance 15333, Section 117: Surface Water Management Capital Improvement Program dated July 24, 2006, 34. B. Adopted Ordinance 15333, Section 117: Surface Water Management Capital Improvement Program dated 07-19-06, 35. C. Adopted Ordinance 15333, Section 118: Major Maintenance Improvement Program dated 7-19-06, 36. C. Adopted Ordinance 15333, Section 118: Major Maintenance Improvement Program dated 7-19-06

Date	Ver.	Action By	Action	Result
7/24/2006	2	Metropolitan King County Council	Hearing Held	
7/24/2006	2	Metropolitan King County Council	Passed as Amended	Pass
7/19/2006	1	Capital Budget Committee	Amended	Pass
7/19/2006	2	Capital Budget Committee	Recommended Do Pass Substitute	Pass
7/5/2006	1	Capital Budget Committee	Deferred	
6/19/2006	1	Metropolitan King County Council	Introduced and Referred	

Clerk 07/25/2006

AN ORDINANCE making a supplemental appropriation of \$28,029,318 to various capital funds to provide the appropriate level of appropriation authority and provide for the correction of errors; and amending the 2006 Budget Ordinance, Ordinance 15333, Sections 114, 117 and 118 as amended, and Attachment B, E and F as amended.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 15333, Section 114, as amended, is hereby amended by adding thereto and inserting therein the following:

From several capital improvement project funds there is hereby appropriated and authorized to be disbursed the following amounts for the specific projects identified in Attachment A to this ordinance.

<u>Fund</u>	<u>Fund Name</u>	<u>Amount</u>
3151	CONSERV FUTURES SUB-FUN	(\$375,262)
3160	PARKS, REC AND OPEN SPACE	\$1,943,000
3180	SURF & STRM WTR MGMT CNST.	\$900,621
3220	HOUSING OPPORTUNITY ACQSN	\$1,306,054
3490	PARKS FACILITIES REHAB	\$0
3641	PUBLIC TRANS CONST-UNREST	\$19,909,474
3681	REAL ESTATE EXCISE TAX #1	\$87,000
3771	OIRM CAPITAL PROJECTS	\$688,200
3781	ITS CAPITAL FUND	\$1,866,009
3840	FARMLAND & OPEN SPACE ACQ	(\$163,000)
3951	BLDG REPAIR/REPL SUBFUND	\$106,421

ER1 EXPENDITURE RESTRICTION:

Of this appropriation, \$488,000 shall be expended solely for the acquisition and associated costs of

purchasing farmland in the Lower Green River Agricultural Production District. Revenues supporting this acquisition shall consist of an interfund loan to be reimbursed by \$325,000 in proceeds from the sale of farmland in the city of Kent, approved by Ordinance 15305, and a transfer of \$163,000 from the conservation futures sub-fund.

ER2 EXPENDITURE RESTRICTION:

CIP Project 349906 Fairgrounds Improvements shall be expended only for the purpose of making capital improvements at the King County Fairgrounds. Of this appropriation, \$350,000 may be expended or encumbered only after the city of Enumclaw and the Enumclaw School District together have secured and committed cash or in-kind contributions of \$350,000 and the city of Enumclaw has entered into an agreement with the county, which has been approved by the council, under which the city will assume ownership and operation of the King County Fairgrounds by December 31, 2006.

P1 PROVIDED THAT:

No funds for the following technology CIP projects shall be expended or encumbered until the council approves by motion the King County Strategic Technology Plan (2006-2008) and determines in that motion that each of the following projects are aligned with the plan:

CIP project 377183, Inventory Tracking and Asset Management;

CIP project 377172, Agency Technology Plans;

CIP project 377186, Expansion of E-Commerce;

CIP project 377184, Electronic Excise Tax Submission and Processing (eREET);

CIP project 377174, HMC Video Conferencing;

CIP project 377181, Expansion of IT Security Enhancement Project;

CIP project 377180, Drug Diversion Court Database and E-filing System;

CIP project 377182, Phone System Upgrade; and

CIP project 377173, Electronic Records Management System.

P2 PROVIDED FURTHER THAT:

Of the appropriation for CIP project 377108, Law, Safety and Justice Integration, \$50,000 shall not be expended until the executive submits to the council and the council has approved by motion a report on how to capture cost savings from information technology projects. The report shall include the following items: (1) a methodology to calculate cost saving opportunities for information technology projects where efficiency is the primary purpose for the information technology investment at the beginning of the project; (2) a methodology to validate cost saving opportunities estimated at the beginning of a project and to capture validated cost savings for efficiency savings at the end of the project; (3) a description of how these methodologies will be incorporated into the county's information technology governance structure; and (4) how cost saving opportunities and associated budget reductions will be reported annually to council.

The executive shall file, by June 1, 2006, the report and a proposed motion in the form of 11 copies with the clerk of the council, who will retain the original and will forward copies to each councilmember and to the lead staff for the labor, operations and technology committee or its successor.

P3 PROVIDED FURTHER THAT:

Of the appropriation for CIP project 377108, Law, Safety and Justice Integration, \$50,000 shall not be expended until the executive submits to the council and the council has approved by motion a business case for the law, safety and justice integration program. The business case shall include a cost-benefit analysis and performance measures.

The executive shall file by August 31, 2006, the business case, including a cost-benefit analysis and performance measures, and a proposed motion in the form of 11 copies with the clerk of the council, who will retain the original and will forward copies to each councilmember and to the lead staff for the law, justice and human services committee or its successor.

P4 PROVIDED FURTHER THAT:

Of this appropriation, \$342,596 shall be expended on transit non-revenue vehicle replacement. Within

this project, this appropriation may only be expended for the replacement of eight passenger vehicles which are at or near the mileage thresholds and the replacement of specialized vehicles for which mileage is not used as an indicator of condition.

It is the intent of the council that the transit division revise and improve its NRV replacement model and subsequently prepare a new list of proposed vehicle replacements based on that model for review by the council in connection with consideration of a supplemental appropriation for the remaining vehicle replacements.

The list required to be submitted by this proviso must be filed in the form of 11 copies with the clerk of the council, who will retain the original and will forward copies to each councilmember and to the lead staff for the transportation committee or its successor.

**P5 PROVIDED FURTHER THAT:**

The appropriation for CIP Project A00510 shall be expended on the design, environmental review and permitting activities necessary to construct a permanent docking facility with parking at the Bronson Way site in West Seattle, or on adjacent properties commonly known as Piers 1 and 2 by agreement with the property owners, to enhance the Water Taxi project. Work shall commence immediately and the transit division shall submit a progress report and project schedule by January 31, 2006.

The report required by this proviso must be filed in the form of 11 copies with the clerk of the council, who will retain the original and will forward copies to each councilmember and to the lead staff of the transportation committee or its successor.

**P6 PROVIDED FURTHER THAT:**

The executive shall submit a report and recommendation by May 1, 2006, on the feasibility of instituting parking fees at Metro Transit park-and-ride lots. The report should consider the capital and administrative costs of a fee collection system, the extent to which fees could defray ongoing maintenance and security costs at the lots, the potential effect upon transit ridership and the experience with park-and-ride lot fees elsewhere.

The report required by this proviso must be filed in the form of 12 copies with the clerk of the council, who will retain the original and will forward copies to each councilmember and to the lead staff of the transportation committee and the regional transit committee or their successor committees.

**P7 PROVIDED FURTHER THAT:**

Of the \$36,399,873 appropriation for Transit CIP Project A00453, Radio & AVL Replacement, \$1,399,873 is not restricted by this proviso, but \$35,000,000 of this appropriation may be encumbered but shall not be expended until the executive transmits and council approves by motion a report reviewed by the Project Review Board (“PRB”) pursuant to K.C.C. 2.16.07585 and 2.16.0758 which shall at a minimum address: (1) the contract with a quality assurance consultant to provide oversight for the duration of the project including monitoring reports to be distributed contemporaneously to the executive and council; (2) a project governance charter specifying how the project will be governed, managed and overseen; (3) an implementation plan that includes a detailed project schedule based upon a current assessment of the time required for completion, submittal and Federal Communications Commission (“FCC”) approval of the Northwest Region 700 MHz Plan and the subsequent process to secure FCC approval of 700 MHz bandwidth for the Transit Radio system; and (4) an external consultant’s evaluation of the selected vendor’s technology and its ability to meet the transit division’s needs. Further the PRB shall recommend whether budgetary changes or project modification or termination is appropriate.

The report and recommendation required by this proviso together with a motion approving them shall be submitted by the executive within thirty days after PRB action and filed in the form of 11 copies with the clerk of the council, who will retain the original and will forward copies to each councilmember and to the lead staff of the transportation committee or its successor. Within two days of the PRB action all background materials related to the project and the PRB action shall be made available to council staff.

**P8 PROVIDED FURTHER THAT:**

No funds of the \$15,000,000.00 transferred by this ordinance in Fund 3791 from Project 379006 to

Project 379004 may be expended or encumbered until the executive and the University of Washington file with the clerk of the council a certification that:

1. A settlement agreement has been signed by Turner Construction Company, Harborview Hospital, the University of Washington and King County resolving cost claims from the contractor's requests for equitable adjustment on the Inpatient Expansion Building ("IEB");
2. The settlement is in substantially the form set forth in the agreement draft dated March 30, 2006 and sent that date by the Attorney General's Office on behalf of the University of Washington to the prosecuting attorney and the council's legal counsel; and
3. The settlement agreement contains a provision in substantially the following form: "If Owner terminates any portion of the Work for convenience, the Parties shall mutually determine how to adjust the Contract Time. In addition, if a portion of the NJB is terminated for convenience, Owner agrees (subject to approval by the County Council) to merge the remaining NJB work with the IEB thereby creating one project. The Contract will then be amended to reflect a revised single MACC for the IEB and NJB (including a negotiated amount for the MACC contingency), and a revised GCC cost and Fee. As stated above, the Fee will be adjusted to an amount that will cover only the actual cost of B&O tax and bonds."

P9 PROVIDED FURTHER THAT:

Of this appropriation, \$250,000 may not be expended or encumbered until the executive submits and the council approves by motion a report setting forth the need for additional expenditure authority:

P10 PROVIDED FURTHER THAT:

Of the appropriation for CIP project 395698, OMP/FMP and Space Planning, \$100,000 shall not be expended until the executive submits to the council and the council has approved by motion a work plan describing project oversight and coordination. This CIP project is for initial planning and development of operational master plans ("OMP") and facility master plans ("FMP") that are not yet funded as individual CIP projects. Consequently, the work plan must include details on overall project oversight and coordination of all

current and developing OMP, FMP and space planning projects. The work plan shall include program staffing, management, and coordination; any project interrelationships and linkages; and the impacts between and upon operational and facilities master plans including but not limited to those for all criminal justice functions and associated agencies, such as public health. Any OMP or FMP work charged to the project that is not related to criminal justice or associated functions must also be documented in the work plan.

The executive should submit the OMP/FMP work oversight plan and motion by September 1, 2006, in the form of 11 copies with the clerk of the council, who will retain the original and will forward copies to each councilmember and to the lead staff for the capital budget committee or its successor.

P11 PROVIDED FURTHER THAT:

All project charges for CIP 395698 shall be separately tracked in sub project accounting that specifically shows charges for separate OMP, FMP and space planning work. This accounting shall include, but not be limited to, all program staff charges and any other associated charges, including, but not limited to, consultant fees, training costs, and hourly planning charges.

P12 PROVIDED FURTHER THAT:

Of the appropriation for CIP 395702, COM CENTER - RCECC, \$130,000 must be expended or encumbered before December 31, 2006, for the following purposes: \$10,000 for architectural punch list items, \$40,000 for dehumidifier repair and replacement and \$80,000 for an antenna booster.

P13 PROVIDED FURTHER THAT:

It is the intent of the council that no funds for CIP 395702, COM CENTER - RCECC, be expended or encumbered after December 31, 2006, with the exception of payments needed for final contractual acceptance of equipment that must be tested or adjusted in 2007.

P14 PROVIDED FURTHER THAT:

The \$500,000 appropriation for CIP project 315xxx, Cedar River Preservation, shall be applied only to the property interest acquired by the city of Seattle along the Cedar river to comply with the Habitat



Conservation Plan to acquire development rights to retain this property in perpetuity beyond the fifty year interest the city has already acquired and, provided further, that the value of such rights shall be determined by appraisal, be held by King County as a public benefit in perpetuity, and any amount in excess of the appraised value shall revert to the conservation futures sub-fund 3151.

SECTION 2. Attachment A to this ordinance hereby amends Attachment B to Ordinance 15333, as amended, by adding thereto and inserting therein the projects listed in Attachment A to this ordinance.

SECTION 3. Ordinance 15333, Section 117, as amended, is hereby amended by adding thereto and inserting therein the following:

From the surface water non-bond sub-fund there is hereby appropriated and authorized to be disbursed the following amounts for the specific projects identified, in Attachment B to this ordinance.

<u>Fund</u>	<u>Fund Name</u>	<u>Amount</u>
3292	SWM CIP NON-BOND SUBFUND	\$787,501
3522	OS KC NON BND FND SUBFUND	\$973,300

SECTION 4. Attachment B to this ordinance hereby amends Attachment E to Ordinance 15333, as amended, by adding thereto and inserting therein the projects listed in Attachment B to this ordinance.

SECTION 5. Ordinance 15333, Section 118, as amended, is hereby amended by adding thereto and inserting therein the following:

From the major maintenance capital fund there is hereby appropriated and authorized to be disbursed the following amounts for the specific projects identified, in Attachment C to this ordinance

<u>Fund</u>	<u>Fund Name</u>	<u>Amount</u>
3421	MJR MNTNCE RSRV SUB-FUND	\$0

SECTION 6. Attachment C to this ordinance hereby amends Attachment F to

Ordinance 15333, as amended, by adding thereto and inserting therein the projects listed in Attachment C to

this ordinance.