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Title: AN ORDINANCE relating to the organization of information technology within the executive branch and responding to a 2011 budget proviso in Ordinance 16984, Section 18, 24, 56, 93 and 108 to consolidate information technology functions and responsibility for information technology services; and amending Ordinance 16202, Section 6, as amended, and K.C.C. 2.10.045, Ordinance 12550, Section 2, as amended, and K.C.C. 2.14.020, Ordinance 11955, Section 2, as amended, and K.C.C. 2.16.020, Ordinance 11955, Section 9, as amended, and K.C.C. 2.16.045, Ordinance 14005, Section 3, as amended, and K.C.C. 2.16.0755, Ordinance 14005, Section 4, as amended, and K.C.C.2.16.0757, Ordinance 14005, Section 6, as amended, and K.C.C. 2.16.0758, Ordinance 15559, Section 7, as amended, and K.C.C. 2.16.075805, Ordinance 12076, Section 9, as amended, and K.C.C. 4.08.015, Ordinance 12076, Section 10, as amended, and K.C.C. 4.08.025, Ordinance 14270, Section 2, and K.C.C. 4.08.275, Ordinance 12144, Sections 1, 2, as amended, and K.C.C. 4.08.295, Ordinance 15078, Section 1 and K.C.C. 4.08.296, Ordinance 14008, Section 1, as amended, and K.C.C. 4.08.297, Ordinance 14005, Section 7 and K.C.C. 4.08.298, Ordinance 14306, Section 1 and K.C.C. 4.08.299, Ordinance 14227, Section 2 and K.C.C. 4.08.340 and Ordinance 10159, Section 3, as amended, and K.C.C. 6.27A.010.

Sponsors: Kathy Lambert

Indexes: Executive, Technology

Code sections: 2.10.045 - , 2.14.020 - , 2.16.020 - , 2.16.045 - , 2.16.0755 - , 2.16.0756 - , 2.16.0757 - , 2.16.0758 - , 2.16.0758 - , 2.16.075805 - , 2.16.07581 - , 2.16.07582 - , 2.16.07583 - , 2.16.07584 - , 2.16.07585 - , 4.08.025 - , 4.08.275 - , 4.08.295 - , 4.08.297 - , 4.08.298 - , 4.08.299 - , 4.08.340 - , 6.27A.010 - , 6.27A.140 -

Attachments: 1. 17142.pdf, 2. 2011-0154 Transmittal Letter.doc, 3. 2011-0154 KCIT Proposed Codes Fiscal Notes.xls, 4. 2011-0154 KCIT Implementation Plan.doc, 5. Staff Report Proposed Ordinance 2011-0154 IT Reorganization.doc, 6. PowerPoint Presentation Bill Kehoe.ppt, 7. Staff Report Proposed Ordinance 2011-0154 IT reorganization.doc, 8. Attachment 2 Striking Amendment.docx, 9. Attachment 3 Title Amendment.docx, 10. Revised Staff Report Proposed Ordinance 2011-0154 IT reorganization.doc

Date	Ver.	Action By	Action	Result
7/11/2011	2	Metropolitan King County Council	Hearing Held	
7/11/2011	2	Metropolitan King County Council	Passed	Pass
6/29/2011	1	Government Accountability and Oversight Committee	Recommended Do Pass Substitute	Pass
5/17/2011	1	Government Accountability and Oversight Committee	Deferred	
4/11/2011	1	Metropolitan King County Council	Introduced and Referred	

Clerk 07/06/2011

AN ORDINANCE relating to the organization of information technology within

the executive branch and responding to a 2011 budget proviso in Ordinance 16984, Section 18, 24, 56, 93 and 108 to consolidate information technology functions and responsibility for information technology services; and amending Ordinance 16202, Section 6, as amended, and K.C.C. 2.10.045, Ordinance 12550, Section 2, as amended, and K.C.C. 2.14.020, Ordinance 11955, Section 2, as amended, and K.C.C. 2.16.020, Ordinance 11955, Section 9, as amended, and K.C.C. 2.16.045, Ordinance 14005, Section 3, as amended, and K.C.C. 2.16.0755, Ordinance 14005, Section 4, as amended, and K.C.C. 2.16.0757, Ordinance 14005, Section 6, as amended, and K.C.C. 2.16.0758, Ordinance 15559, Section 7, as amended, and K.C.C. 2.16.075805, Ordinance 12076, Section 9, as amended, and K.C.C. 4.08.015, Ordinance 12076, Section 10, as amended, and K.C.C. 4.08.025, Ordinance 14270, Section 2, and K.C.C. 4.08.275, Ordinance 12144, Sections 1, 2, as amended, and K.C.C. 4.08.295, Ordinance 15078, Section 1 and K.C.C. 4.08.296, Ordinance 14008, Section 1, as amended, and K.C.C. 4.08.297, Ordinance 14005, Section 7 and K.C.C. 4.08.298, Ordinance 14306, Section 1 and K.C.C. 4.08.299, Ordinance 14227, Section 2 and K.C.C. 4.08.340 and Ordinance 10159, Section 3, as amended, and K.C.C. 6.27A.010.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 16202, Section 6, as amended, and K.C.C. 2.10.045 are each hereby amended to read as follows:

A. The performance management workgroup is hereby created. The workgroup shall provide a forum for managers and others responsible for performance management across county government to coordinate implementation of the goals of the countywide performance management and accountability system, including

the countywide strategic plan. The workgroup shall advise the county council and shall be chaired by the county auditor. The workgroup shall meet at least quarterly.

B. Members of the workgroup shall include personnel from the following agencies, department and offices:

1. The council;
2. The sheriff;
3. The prosecuting attorney;
4. The assessor;
5. The superior court;
6. The district court;
7. The auditor;
8. Each executive branch department;
- ~~((9. The office of information resources management;))~~ and
- ~~((10.))~~ 9. The office of performance, strategy and budget.

C. The performance management workgroup shall:

1. Advise on implementation of a countywide performance management and accountability system;
2. Provide a collaborative forum among county peers on performance management and measurement and coordinate with potential partners outside of King County government;
3. Advise on the county's training curriculum on performance management and measurement; and
4. Advise on new developments in the field and potential opportunities to improve the county's performance management and accountability system.

SECTION 2. Ordinance 12550, Section 2, as amended, and K.C.C. 2.14.020 are each hereby amended to read as follows:

A. King County is committed to managing its public records as a countywide resource and in a manner

that:

1. Is efficient and economical;
2. Promotes open government and an informed citizenry;
3. Protects individual privacy; and
4. Meets county record retention and disposition standards.

B. A public records committee is hereby established. The public records committee shall advise the council and the executive on county public records policies, including both paper and electronic records. These policies must include policies for posting records on county web sites. The public records committee shall also provide guidance on the planning and implementation of a countywide records storage management plan and a countywide electronic records management system.

C. The manager of the records and licensing services division shall be the chair of the public records committee. The public records committee shall involve a broad membership of county departments and elected agencies, including at a minimum the following:

1. The council;
2. The prosecuting attorney's office;
3. The sheriff's office;
4. The assessor's office;
5. The department of elections;
6. The office of performance, strategy and budget;
7. The ~~((office of information resource management~~
8. ~~The))~~ department of executive services's public disclosure officer;

~~((9.))~~ 8. The department of ~~((executive services's))~~ information technology's chief ~~((of))~~ information security and privacy officer; and

~~((10. The department of executive services and other departments))~~ 9. Each executive department.

SECTION 3. Ordinance 11955, Section 2, as amended, and K.C.C. 2.16.020 are each hereby amended to read as follows:

A. The organization of the executive branch, as described in this section of the code, is intended to comply with Article 3 of the King County Charter. Accordingly, the executive branch shall consist of:

1. The county executive;
2. The county administrative officer;
3. Specific organizational units, classified "administrative offices" assigned to the county administrative officer, having a specified function by which it will assist that officer in performing assigned responsibilities;
4. Specific organizational units, classified "executive departments" determined by major assigned function or process; and
5. Specific organizational units within departments and administrative offices, where created by ordinance, classified "divisions" to which will be delegated the responsibility of efficiently and effectively carrying out assigned departmental or office functions and duties.

B. County agencies referenced in this chapter, and county boards, commissions, committees and other multimember bodies except the board of appeals and the personnel board, shall individually and collectively constitute the organizational structure of the executive branch of King County government.

C. Titles of agencies of the executive branch of county government as used in this section shall be the official organizational unit titles. Where necessary or appropriate, the clerk of the council is authorized to change the titles of executive branch agencies where appearing in other ordinances or sections of the code to conform with the unit titles used in this chapter.

D. The director of each executive department, chief officer of each administrative office, and manager of each division may exercise the powers vested in that department, administrative office, or division. None of these positions may exercise authority over another organizational unit for more than sixty days without council

approval by ordinance, though this shall not be construed to limit the authority of a department director or chief officer of an administrative office over divisions within his or her department or office.

E.1. To ensure accountability, efficiency, internal control and consistency, each executive department, administrative office and division may provide administrative and technical support to functions and duties for which other executive departments, administrative offices or divisions have primary responsibility. The support shall be provided in conjunction with the departments, offices or divisions that have primary responsibility for the functions and duties. The support may include, but is not limited to, the following:

- a. human resources and payroll;
- b. budget preparation and submittal, and financial and fiscal management;
- c. information, communication, media and community relations, printing, graphics, mail, records management and public disclosure;
- d. facilities and leased space maintenance and management;
- e. program analysis, and contract and performance evaluation and review;

~~((f. information systems and technology development, managed by the chief information officer through department level information technology service delivery managers and service delivery plans approved by the chief information officer and department directors;~~

~~g.))~~ f. grants management; and

~~((h.))~~ g. liaison with county and external auditors.

2. To assist executive agencies to properly perform their assigned functions and duties, executive agencies may establish and maintain contacts with state and federal agencies that regulate or provide financial assistance to the programs for which the agencies are responsible, monitor state and federal legislative initiatives, and provide input to and on the county's legislative agenda through processes prescribed by the council.

3. To ensure the county complies with applicable state and federal laws, regulations and requirements,

executive agencies may undertake duties and functions as may be assigned by the executive and not assigned to another agency by the council.

F. Except as otherwise assigned by the council, all executive agencies shall provide support services to citizen advisory committees that are established by the council.

SECTION 4. Ordinance 11955, Section 9, as amended, and K.C.C. 2.16.045 are each hereby amended to read as follows:

A. The department of natural resources and parks is responsible to manage and be fiscally accountable for the wastewater treatment division, water and land resources division, solid waste division and parks and recreation division. ~~((The department shall manage, design, develop, operate, maintain and enhance the geographic information systems for the county and other contracting agencies.))~~ The department shall administer and implement the requirements of the federal Clean Water Act, federal Endangered Species Act and other federal and state laws and regulations related to those requirements. The department shall perform the metropolitan water pollution abatement function referred to in this section as "the water quality program," as set forth in chapter 35.58 RCW, K.C.C. Title 28 and other federal and state laws and regulations applicable to that function, although financial planning for and administration of the water quality program shall be conducted consistent with financial policies approved by the council. The department shall coordinate the county's National Pollutant Discharge Elimination System ("NPDES") municipal stormwater permit program. The department shall provide the support to the county's participation in the regional water supply planning process including the development of reclaimed water and the review of local utility district plans for conformance with county plans and policies and shall participate in the process of preparing coordinated water system plans to ensure conformance with county plans and policies. The department shall provide for the active and passive recreational needs of the region, consistent with the mission of the parks and recreation division described in subsection E.1 of this section. The department shall designate as natural resource lands those county-owned lands that serve important natural resource functions, including, but not limited to, benefiting and protecting

natural drainage systems, drainage basins, flood control systems, ecosystems, water quality, ground water, fisheries and wildlife habitat and other natural resource purposes. The department shall act to ensure integration of environmental programs across utility and resource functions and to balance stewardship with economic development issues. To ensure integration and balanced stewardship through the director's office the department shall oversee strategic planning using staff resources budgeted in the department's divisions. Strategic planning may include, but not be limited to: integration of land and water resource protection; coordination of groundwater, water reuse and water supply plan approval; development of new funding approaches for resource protection; establishment of new partnerships with businesses, community organizations and citizens; and better coordination of sewerage and flood control facilities to prevent water quality degradation. The director's office shall manage the county's historic preservation program including landmark designation, protection and enhancement to support tourism development, downtown revitalization and environmental and cultural sustainability.

B.1. The duties of the waste water treatment division shall include the following:

- a. administering the functions and programs related to the operation, maintenance, construction, repair, replacement and improvement of the metropolitan sewerage system and its financing;
- b. administering the county's sewage disposal agreements with cities and special districts;
- c. providing planning for the water quality capital program;
- d. providing design, engineering and construction management services related to the water quality capital programs including new facilities development and maintenance of the existing infrastructure;
- e. providing support services such as project management, environmental review, permit and right-of-way acquisitions, scheduling and project control; and
- f. regulating industrial discharges into the metropolitan sewerage system.

2. The council may assign responsibility for services ancillary to and in support of the operation and maintenance of the metropolitan water pollution abatement system under chapter 35.58 RCW, including, but

not limited to, human resources, accounting, budgeting, finance, engineering, fleet administration, maintenance, laboratory, monitoring, inspection and planning, as it determines appropriate.

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

1. Proposing or updating, or both, and implementing adopted policies, plans and programs relating to water and land resources, open space and other natural resources that protect fisheries, natural resources, water quality and ground water and that solve and prevent drainage problems;
2. Responding to major river floods and addressing drainage problems in unincorporated portions of the county as provided in K.C.C. Title 9, the Surface Water Management Program, in K.C.C. chapter 20.12, the King County Flood Hazard Reduction Plan Policies and other policies established by the council;
3. Within available resources, maintaining major river channels, and surface and storm drainage systems and lands to minimize flood hazards and protect fisheries resources, drainage systems and lands, and water quality;
4. Providing coordination and technical assistance within the county and other governments to assist in setting and implementing priorities for water and land resources, including sample collection, laboratory services, monitoring, analysis and other activities to protect, enhance and evaluate the quality of land, habitat and water resources in the county;
5. Planning the surface water management capital program, providing design, engineering and construction management services related to the surface water management capital program including new facilities development and maintenance of the existing infrastructure and providing support services such as project management, environmental review, permit and right-of-way acquisitions, scheduling and project control;
6. Preparing standards for storm water management facilities that are constructed as part of land development;
7. Providing technical assistance and education to businesses and the general public to encourage

environmental stewardship;

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

9. Monitoring and protecting the county's development rights interests related to agricultural lands;

10. Consulting in the preparation of management plans for protection and use of the natural resource values of county owned lands, including natural resource lands, dedicated and deeded open space lands and lands acquired by the county as a condition of land development approval, and consulting with the parks and recreation division the appropriate means to execute such management plans;

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

12. Planning, prioritizing, seeking funding for, designing and implementing restoration projects on natural resource lands, dedicated and deeded open space lands and lands acquired by the county as a condition of land development approval in coordination with the parks and recreation division.

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

1. Managing and operating the county's comprehensive solid waste program on a self-supporting basis;
2. Administering the county's solid waste interlocal agreements with cities and towns;
3. Diverting as much material as possible from disposal in a manner that reduces the overall costs of solid waste management to county residents and businesses, conserves resources, protects the environment and strengthens the county's economy;

4. Managing and being accountable for all transfer station operations and landfills, as well as the transportation of waste between county facilities;
5. Procuring and maintaining all capital and operating equipment specific to the solid waste function;
6. Providing planning, design, engineering and construction management services related to the solid waste capital program including new facilities development and maintenance of existing infrastructure;
7. Providing support services such as project management, environmental review, permit acquisitions, scheduling and project control; and
8. Actively pursuing all revenue sources in an effort to maintain the lowest possible rate structure for the benefit of county residents.

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

1. Carrying out the county's parks and recreation division mission, which is to provide regional trails, regional passive parks, regional resource and ecological lands and regional active recreation facilities, rural parks and local unincorporated area parks within the urban growth boundary until annexed, by employing entrepreneurial strategies that raise revenues to support park operations and facilitating agreements with other jurisdictions and entities to provide for recreational services and other activities;
2. Proposing and implementing adopted policies, plans and programs related to the provision of regional and rural parks and recreation facilities and programs and natural resource lands in King County and local parks in the unincorporated portion of King County within the urban growth boundary until those areas are annexed;
3. Within available resources, managing, operating and maintaining or facilitating the management, operation and maintenance of the county parks and recreation facilities;
4. Within available resources, maintaining, restoring or facilitating the maintenance of regional resource and ecological lands in consultation with the water and land resources division;
5. Monitoring and protecting the county's real property and development rights interests acquired

through the conservation futures and other open space and natural resource programs, with the exception of development rights on agricultural lands, ensuring to the greatest extent practicable that subsequent county land use policies remain compatible with the acquired interests;

6. Preparing and implementing in consultation with the water and land resources division the management plans for protection and use of the natural resource values of county owned lands, including natural resource lands, dedicated and deeded open space lands and lands acquired by the county as a condition of land development approval, and determining appropriate means to execute those management plans;

7. Administering, operating and maintaining those lands designated as natural resource lands, using any work forces as appropriate;

8. Developing and maintaining an operational master plan and develop and monitoring a capital improvement plan as defined in K.C.C. chapter 4.04;

9. Within available resources, developing and facilitating agreements for the development of specific active park and recreation facilities;

10. Coordinating with other departments and divisions as appropriate in the preparation of grant applications for park and open space acquisition, development and operations;

11. Developing, managing, or facilitating agreements for the provision of recreational programs; and

12. Facilitating programs that promote the safe enjoyment of county-owned swimming pools and guarded swim beaches.

SECTION 5. Ordinance 14005, Section 3, as amended, and K.C.C. 2.16.0755 are each hereby amended to read as follows:

A. The department of information technology, which is also known as KCIT, is responsible to manage and be fiscally accountable for the information technology operating resources and budget within the executive branch with the exception of the business resource center. The department of information technology shall provide support to the business resource center as agreed by the department of information technology and the

department of executive services. The department shall be comprised of the information technology operations and business solutions division and the information technology customer service division.

B.1. The ((office of information resource management)) department of information technology shall be directed by a chief information officer ((("CIO"))). The ((CIO)) chief information officer shall be appointed by the executive and confirmed by the council. The ((CIO)) chief information officer shall report to the county executive and advise all branches of county government on technology issues. The ((CIO)) chief information officer shall provide vision and coordination in technology management and investment across the county. ((The CIO shall attend regular executive cabinet meetings as a nonvoting member and advisor on technology implications of policy decisions.)) The ((CIO)) chief information officer shall meet regularly with business managers for the assessor, council, prosecutor, superior court, district court, elections and sheriff to advise on technology implications of policy decisions. The ((CIO)) chief information officer shall advise all county elected officials, departments and divisions on technology planning and project implementation.

~~((B.))~~ 2. The duties of the ((CIO)) chief information officer also shall include the following:

~~((1.))~~ a. Overseeing the information technology strategic planning office and production of a county information technology strategic plan and updates to the plan;

~~((2.))~~ b. Overseeing the central information technology office of project oversight and monitoring of approved technology projects;

~~((3.))~~ c. Recommending business and technical information technology projects for funding as part of the county's strategic planning process;

~~((4.))~~ d. Recommending technical standards for the purchase, implementation and operation of computer hardware, software and networks as part of the county's strategic planning process;

~~((5.))~~ e. Recommending countywide policies and standards for privacy, security and protection of data integrity in technology infrastructure, electronic commerce and technology vendor relationships as part of the county's strategic planning process;

~~((6-))~~ f. Recommending strategic information technology service delivery models to be implemented by county departments;

~~((7-))~~ g. Identifying and establishing short-range, mid-range and long-range objectives for information technology investments in the county;

~~((8-))~~ h. Establishing a standard methodology for information technology project management, including requirements for project initiation and review, parameters for agency contracts with information technology vendors, and reporting requirements to facilitate monitoring of project implementation;

~~((9-))~~ i. Establishing criteria for determining which information technology projects will be monitored centrally;

~~((10-))~~ j. Monitoring project implementation when projects meet the established criteria;

~~((11-))~~ k. Releasing the funding for each phase of those projects subject to central oversight based on successful reporting and completion of milestones;

~~((12-))~~ l. Recommending budgetary changes in the funding of information technology projects to the executive and council, as appropriate;

~~((13-))~~ m. Directing the suspension or general shutdown of projects having difficulties in resolving issues related to scope, schedule or budget;

~~((14-))~~ n. Conducting post-implementation information technology project review;

~~((15-))~~ o. Managing the internal service fund and capital project fund of the (~~office of information resource management~~) department of information technology;

~~((16-))~~ p. Providing annual performance review to the executive and council;

~~((17-))~~ q. Managing the information and telecommunications services office; and

~~((18-))~~ r. Planning, oversight and management of information technology functions within the executive branch, including the following:

~~((a-))~~ 1. approving the department information technology service delivery plan in conjunction with

the executive branch department directors;

((b-)) 2. ensuring that executive branch department information technology service delivery needs are met according to the agreed-upon information technology service delivery plan for the department;

((e-)) 3. hiring or designating, or both, the department information technology service delivery manager in consultation with the department director to manage the day-to-day information technology operations within each executive branch department; and

((d-)) 4. ensuring that executive department information technology needs are aligned with the countywide three year strategic technology plan and the annual technology business plan.

C. To support the ((CIO)) chief information officer in carrying out the duties of the office, all county departments shall develop and maintain information technology plans that align to the countywide strategic technology plan and meet their departments' business goals and objectives and shall procure information technology with due diligence demonstrated to meet policies and standards established through the technology governance.

SECTION 6. Ordinance 14005, Section 4, as amended, and K.C.C.2.16.0757 are each hereby amended to read as follows:

The ((~~office of information resource management~~)) department of information technology shall include an information technology strategic planning office. The information technology strategic planning office shall report directly to the chief information officer. The information technology strategic planning office shall:

A. Produce an information technology strategic plan with annual updates for council approval. The strategic technology plan shall be transmitted to council no later than June 30 of the reporting period, with annual updates provided by April 30. The plan should include:

1. A section that includes:

a. text describing, for individual planning issue areas, the current environment, strengths, weaknesses, opportunities and challenges;

b. a list of recommended objectives, with description; and

c. the approach to achieve the desired outcomes for each strategic objective;

2. The annual update should provide accomplishments towards meeting objectives from previous approved strategic plans, when objectives have not been met and a discussion of the obstacles towards meeting those objectives; and

3. Appendices supporting the recommendations with empirical data;

B. Support the work of countywide planning committees that coordinate business and technical needs for information technology investments;

C. Produce an annual technology report. The annual technology report shall be transmitted to council no later than June 30 of each year; and

D. Produce an annual proposed technology business plan. The annual proposed technology business plan shall be transmitted to the council at the time of transmittal of the executive's proposed budget. ((~~Beginning with the 2010 budget transmittal, the annual proposed technology business plan shall include the items listed in subsection D.1. through 5. of this section. For the 2009 budget transmittal, if it is not feasible to include the information in subsection D.1. through 1013. of this section in the proposed technology business plan, it is the intent of the council that the information outlined in subsection D.1. through 5. of this section be provided separate from the proposed technology business plan at the time of the budget transmittal.)) The annual technology business plan shall include:~~

1. A summary of each technology project seeking funding in the proposed budget.
2. For each project seeking funding in the budget, the following information shall be reported:
 - a. the total budget request for the proposed project;
 - b. the total of past appropriations;
 - c. an estimate of any future budget requests to complete the project;
 - d. project milestones with specific dates, of which at least two shall be projected to occur during the

proposed budget year; and

e. a cash flow plan identifying the dates when funds proposed in the budget are anticipated to be encumbered or expended.

f. the expected useful life of the technology.

g. preliminary outcome measures to assess whether the project is successful upon completion.

3. For all existing projects seeking funding in the proposed budget, the technology business plan shall include a status report on whether the project's major milestones identified at the time of the first and subsequent budget appropriations have been achieved shall be provided.

4. A list of all projects with active appropriation authority, including projects not seeking funding in the proposed budget and the unexpended appropriation for each project.

5. The technology business plan shall include a table identifying the projected cost savings from information technology projects. The table shall be updated annually at the time of the transmittal to the council to document achieved savings versus the projected savings at the time the project was approved.

SECTION 7. Ordinance 14005, Section 6, as amended, and K.C.C. 2.16.0758 are each hereby amended to read as follows:

The (~~office of information resource management~~) department of information technology shall include a central information technology office of project oversight. The office of project oversight shall report directly to the chief information officer. The office of project oversight shall:

A. Develop criteria for determining which information technology projects should be subject to central monitoring by the office of project oversight;

B. Develop a process for information technology project initiation, including submittal of a business case analysis;

C. Develop requirements for the components of the business case, such as, but not limited to, the linkage to program mission or business plan or cost-benefit analysis;

D. Set parameters for acceptable conditions and terms of information technology vendor contracts with county agencies;

E. Establish project implementation reporting requirements to facilitate central monitoring of projects;

F. Review the information technology project initiation request, including business case analysis, to ensure that materials contain all required components, have substance and are backed by documentation;

G. Monitor projects during implementation relying on documentation that has been approved by the project's steering committee or other governing body;

H. Approve the disbursement of funding for projects that meet the criteria for project management as established in K.C.C. 2.16.0758.A;

I. Recommend budgetary changes to the executive and council as appropriate during each phase of project implementation;

J. Directing the suspension or general shutdown of project having difficulties in resolving issues related to scope, schedule or budget; and

K. Conduct project post implementation reviews, documenting strengths and weaknesses of the implementation process and the delivery, or lack thereof, of either cost savings or increased functionality, or both.

SECTION 8. Ordinance 15559, Section 7, as amended, and K.C.C. 2.16.075805 are each hereby amended to read as follows:

The (~~information and telecommunications services office~~) department of information technology shall include the following duties:

A. Designing, developing, operating, maintaining and enhancing computer information systems for the county and other contracting agencies(~~, except for geographic information systems, which shall be administered by the department of natural resources and parks~~);

B. Managing the cable communications provisions in K.C.C. chapter 6.27A;

C. Negotiating and administering cable television and telecommunication franchises under K.C.C. chapter 6.27;

D. Providing telephone system design, installation, maintenance and repair;

E. ~~((Managing and operating the centralized printing and graphic arts services;~~

F.)) Providing internal communications and public information services including setting standards for and preparing informational publications, except to the extent to which the council decides, as part of the annual appropriation ordinance, to fund selected departmental level internal communications and public information services in certain departments or divisions; and

~~((G.))~~ E. Administering the emergency radio communication system under K.C.C. chapter 2.58, but not including the radio communication and data system operated and maintained by the department of transportation.

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

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

Fund No.	Fund Title	Fund Manager
103	County Road	Dept. of Transportation
104	Solid Waste Landfill Post Closure Maintenance	Dept. of Natural Resources and Parks
106	Veterans' Relief	Dept. of Community and Human Services
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 and Human Services
113-5	Mental Illness and Drug Dependency	Dept. of Community and Human Services
114-1	Veterans' Services Levy	Dept. of Community and Human Services
114-2	Health and Human Services Levy	Dept. of Community and Human Services
115	Road Improvement Guaranty	Dept. of Transportation
117	Arts and Cultural Development	Dept. of Executive Services
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
124	Citizen Councilor Revolving	Auditor
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 and Environmental Services
137	Clark Contract Administration	Office of Performance, Strategy and Budget
138	Parks Trust and Contribution	Dept. of Natural Resources and Parks
139	Risk Abatement	Office of Performance, Strategy and Budget
145	Parks and Recreation	Dept. of Natural Resources and Parks
156-1	KC Flood Control Operating Contract	Dept. of Natural Resources and Parks
164	Two-Tenths Sales Tax Revenue Receiving	Dept. of Transportation
165	Public Transit Self Insurance	Dept. of Transportation
215	Grants tier 1 fund	Dept. of Executive Services
216	Cultural Resource Mitigation Fund	Office of Performance, Strategy and Budget
309	Neighborhood Parks and Open Space	Dept. of Executive Services
312	HMC Long Range CIP	Dept. of Executive Services
315	Conservation Futures	Dept. of Natural Resources and Parks
316	Parks, Rec. and Open Space	Dept. of Executive Services
320	Public Art Fund	Dept. of Executive Services
322	Housing Opportunity Acquisition	Dept. of Community and Human Services
327	Equipment and Building Acquisition	Dept. of Executive Services
329	SWM CIP Construction 1992-1997	Dept. of Natural Resources and Parks
331	Long-Term Leases	Dept. of Executive Services
334	Capital Acqn and County Fac Renovation	Office of Performance, Strategy and Budget
335	Youth Services Facilities Construction	Dept. of Executive Services
338	Airport Construction	Dept. of Transportation
339	Working Forest 1995 B	Dept. of Natural Resources and Parks
340	Park Lands Acquisition 1993	Dept. of Natural Resources and Parks
340-3	Urban Reforestation and Habitat Restoration	Dept. of Natural Resources and Parks
341	Arts and Historic Preservation Capital	Dept. of Executive Services
342	Major Maintenance Reserve	Dept. of Executive Services
343	Core GIS Capital Project	Dept. of ((Natural Resources and Parks)) <u>Information Technology</u>
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
357-1	KC Flood Control Capital Contract	Dept. of Natural Resources and Parks
358	Parks Capital Fund	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)) <u>KCIT Capital Fund</u>	((Office of Information Resource Management)) <u>Dept. of Information Technology</u>
378	((Information and Telecommunications)) <u>KCIT Enterprise Services Capital Improvement Fund</u>	Dept. of ((Executive Services)) <u>Information Technology</u>
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
390	Solid Waste Construction	Dept. of Natural Resources and Parks
391	Landfill Reserve	Dept. of Natural Resources and Parks
394	Kingdome CIP	Dept. of Executive Services
395	Building Capital Improvement	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
453-1	Institutional Network Operating Fund	Dept. of ((Executive Services)) <u>Information Technology</u>
461	Water Quality	Dept. of Natural Resources and Parks
464	Public Transportation	Dept. of Transportation
542	Safety and Workers' Compensation	Dept. of Executive Services
544	Wastewater Equipment Rental and Revolving Fund	Dept. of Transportation
546	Department of Executive Service Equipment Replacement	Dept. of ((Executive Services)) <u>Information Technology</u>
547	((Office of Information Resource Management)) <u>KCIT Strategy and Performance Operating Fund</u>	Dept. of ((Executive Services)) <u>Information Technology</u>
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
603	Cultural Resources Endowment	Dept. of Executive Services
622	Judicial Administration Trust and Agency	Dept. of Judicial Administration
624	School District Impact Fee	Office of Performance, Strategy and Budget
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
694	Employee Charitable Campaign Contributions	Dept. of Executive Services

CONTRIBUTIONS		
696	Mitigation Payment System	Dept. of Transportation
840	Limited GO Bond Redemption	Dept. of Executive Services
843	DMS Limited GO Bonds	Dept. of Executive Services
851	Stadium GO Bond Redemption	Dept. of Executive Services
890	ULID Assessment - 1981	Dept. of Transportation
1010	Climate Exchange Fund	Office of Performance, Strategy and Budget
1411	Rainy Day Reserve	Office of Performance, Strategy and Budget
1421	Children and Families Services	Dept. of Community and Human Services
1432	Animal Bequest Fund	Dept. of Executive Services
1471	Historical Preservation and Historical Programs Fund	Dept. of Executive Services
1590	Marine Division Operating Fund	Dept. of Transportation
3590	Marine Division Capital Fund	Dept. of Transportation
5490	Business Resource Center Fund	Dept. of Executive Services

B. The following shall also be first tier funds:

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

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

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

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

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

Fund No.	Fund Title	Fund Manager
001	Current Expense	Budget Organization in Executive Office
105	River Improvement	Dept. of Natural Resources and Parks
107	Developmental Disabilities	Dept. of Community & Human Services
108	Civil Defense	Dept. of Public Safety
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
548	Geographic Information Systems	Dept. of (Natural Resources and Parks) <u>Information Technology</u>
553	(Computer and Communication) <u>KCIT Services</u>	Dept. of (Executive Services) <u>Information Technology</u>
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
850	Unlimited GO Bond Redemption	Dept. of Executive Services
1431	Regional Animal Services	Dept. of Executive Services

SECTION 11. Ordinance 14270, Section 2, and K.C.C. 4.08.275 are each hereby amended to read as

follows:

A. There is hereby created the geographic information systems fund, classified as a internal service fund, for the purpose of accounting for financial resources for the full costing of operating, maintaining and enhancing automated geographic information systems that serve both county agencies and external customers. For the purpose of this section, "full costing" means all costs associated with operation, maintenance, rental, repair, replacement, central service cost and department overhead allocation.

~~((B. Budget authority for staff and associated operating expenses incurred in managing the county's central geographic information systems shall be transferred from the information and telecommunications services fund data processing subfund to the new geographic information systems fund in the county's 2002 Annual Budget. Ownership of the equipment used to support the county's centralized geographic information systems is hereby transferred to the geographic information systems fund.~~

~~€.)~~ B. The director of the department of ((natural resources and parks)) information technology or the director's designee shall be the fund manager and shall establish charges to recover full costing for geographic information systems fund services and operations.

~~((D.))~~ C. Annual appropriations of revenues, beginning in 2002, shall be included in the budgets of those agencies and funds either benefiting from the centralized geographic information systems or receiving services from staff budgeted in geographic information systems fund, or both, which revenues shall be transferred to geographic information systems fund monthly.

SECTION 12. Ordinance 12144, Sections 1, 2, as amended, and K.C.C. 4.08.295 are each hereby amended to read as follows:

A. There is hereby created a ~~((R))~~radio ~~((C))~~communications ~~((S))~~services ~~((O))~~operating ~~((F))~~fund and a ~~((R))~~radio ~~((C))~~communications ~~((S))~~services ~~((C))~~construction ~~((F))~~fund. The ~~((manager of the information and telecommunications services division))~~ director of information technology or the director's designee shall be the fund manager.

B. The purpose of the ~~((R))~~radio ~~((C))~~communications ~~((S))~~services ~~((O))~~operating ~~((F))~~fund is to provide for the revenues and operations of the radio communications services enterprise and to provide for the receipt and disbursement of revenue reserved for replacement of radios. The purpose of the ~~((R))~~radio ~~((C))~~communications ~~((S))~~services ~~((C))~~construction ~~((F))~~fund is to provide for the receipt and disbursement of revenue reserved for implementation of the ~~((C))~~capital ~~((I))~~improvement ~~((P))~~program administered by the radio communications services section.

SECTION 13. Ordinance 15078, Section 1 and K.C.C. 4.08.296 are each hereby amended to read as follows:

A. There is hereby created a department of executive services information technology equipment replacement fund. This fund shall be a first tier fund as described in this chapter. The ~~((county administrative officer))~~ director of the department of ~~((executive services))~~ information technology or ~~((his or her))~~ the director's designee shall be the fund manager.

B. The purpose of the department of executive services equipment replacement fund is to account for revenues and expenditures for the full costing of replacing information technology hardware and software and other information technology equipment used by department of executive services agencies.

SECTION 14. Ordinance 14008, Section 1, as amended, and K.C.C. 4.08.297 are each hereby amended to read as follows:

A. There is hereby created ~~((an information and telecommunications))~~ an information technology enterprise services capital improvement fund~~((, designated as fund number 378-1))~~. The fund shall be a ~~((first))~~ first tier fund as defined in K.C.C. 4.08.005. The ~~((manager of the information and telecommunications services division))~~ director of the department of information technology or his or her designee shall be the fund manager.

B. The purpose of the information ~~((and telecommunications))~~ technology enterprise services capital improvement fund is to account for ~~((the))~~ enterprise-wide assets, liabilities, revenues, and expenditures of information technology capital projects managed by the ~~((information and telecommunications division))~~ department of information technology.

SECTION 15. Ordinance 14005, Section 7 and K.C.C. 4.08.298 are each hereby amended to read as follows:

A. There is hereby created the ~~((office of information resource management))~~ information technology strategy and performance operating fund, which shall be a first tier fund as defined in K.C.C. 4.08.005. The ((

~~chief information officer~~) director of the department of information technology or his or her designee shall be the fund manager.

B. The purpose of the (~~office of information resource management~~) information technology strategy and performance operating fund is to account for the assets, liabilities, revenues and expenditures pertaining to the information technology strategy and performance operations, (~~of the office of information resource management, including the chief information officer, the strategic planning office and the project management office~~) including the chief information officer, the strategic planning office (~~and the project management office~~), performance evaluation, information technology governance and information technology security and privacy.

SECTION 16. Ordinance 14306, Section 1 and K.C.C. 4.08.299 are each hereby amended to read as follows:

A. There is hereby created the (~~office of information resource management~~) information technology capital fund for the purpose of supporting the county's financial management for capital technology projects identified by the project review board.

B. For investment purposes the (~~office of information resource management~~) information technology capital fund shall be considered a first-tier fund as described in this chapter, with all interest earnings to be credited back to the fund.

C. The (~~chief information officer~~) director of the (~~office of information resource management~~) department of information technology or his or her designee shall be responsible for the administration of the fund and shall act as fund manager.

D. Moneys expended from this fund shall be appropriated and used only for those purposes specified with the project or projects appropriation.

SECTION 17. Ordinance 14227, Section 2 and K.C.C. 4.08.340 are each hereby amended to read as follows:

A. There is hereby created an institutional network operating fund. This fund shall be a first tier fund as described in this chapter with all interest earnings to be credited back to the fund. The fund shall only exist as long as the King County council has appropriated current operating expenditure authority for the institutional network project. The director of the department of ~~((information and administrative services))~~ information technology or his or her designee shall be the fund manager.

B. The purpose of the institutional network operating fund is to provide for the operating revenues, operating expenditures, operating assets and operating liabilities of the institutional network ~~((project))~~ program.

C. As the institutional network project is self-supporting, a reserve amount equal to thirty days of ~~((2005))~~ annual institutional network operating costs shall be maintained in the institutional network operating fund. ~~((One half of the reserve amount shall be in the fund by 2003 and the full reserve amount shall be in the fund by 2005.))~~

SECTION 18. Ordinance 10159, Section 3, as amended, and K.C.C. 6.27A.010 are each hereby amended to read as follows:

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The words "shall" and "will" are mandatory, and "may" is permissive. Words not defined herein shall be given the meaning set forth in the Cable Act. Words not defined in this chapter or the Cable Act shall be given their common and ordinary meaning.

A. "Abandonment" means failure by the franchisee to operate the entire cable system for ten ~~((10))~~ consecutive days without just cause. Just cause shall include circumstances beyond the franchisee's control, such as natural disasters and material breakdown of the system that is not the result of the franchisee's fault or negligence.

B. "Access channel" means any channel or bandwidth on a cable system set aside for public,

educational and/or governmental use.

C. "Basic cable service" means any service tiers which include the retransmission of local television broadcast signals.

D. "Bulk rate" means a rate charged to an owner of a structure or parcel of land containing multiple dwelling units in return for the provision of cable service to those units.

E. "Cable Act" means the Cable Communications Policy Act of 1984, codified at 47 U.S.C. Secs. 521 et seq., and as hereafter may be amended.

F. "Cable manager" means the ~~((manager of the information and telecommunications services division))~~ director of the department of information technology or the director's designee.

G. "Cable office" means the ~~((King County information and telecommunications services division))~~ cable section of the department of information technology.

H. "Cable rules" means rules promulgated by the ~~((King County information and telecommunications services division))~~ director of the department of information technology or the director's designee for the purpose of administering the terms and requirements of this chapter.

I. "Cable service" means the transmission of video or other service over a cable system to subscribers together with any subscriber interaction provided in connection with such service.

J. "Cable system" means a facility, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide cable service that includes video programming and that is provided to subscribers within King County. A cable system does not include:

1. a facility that serves only to retransmit the television signals of one or more television broadcast stations;
2. a facility that serves only subscribers in one or more multiple unit dwellings under common ownership, control, or management, unless such facility uses any public right-of-way;
3. a facility of a common carrier that is subject, in whole or in part, to the provisions of Title II of the

Communications Act of 1934, codified at 47 U.S.C. Sec 201 et seq., except that such facility will be considered a cable system to the extent it is used in the transmission of video programming directly to subscribers; or

4. any facilities of any electric utility used solely for operating its electric utility systems.

K. "Channel" means a portion of the electromagnetic frequency spectrum which is used in a cable system and which is capable of delivering a television channel, ~~((f))~~as television channel is defined by the FCC by regulation)).

L. "Commercial rate" means a rate charged to a business in return for the provision of cable service to that business.

M. ~~((Council means the King County council.~~

~~N. County means the King County government or its officers, employees or authorized agents while acting within the scope of their official duties.~~

~~Θ.))~~ N. "Disabled subscriber" means a subscriber with a physical or mental impairment that substantially limits one or more of the major life activities of such individual.

~~((P. Senior Citizen subscriber means a subscriber sixty five years of age or over.~~

~~Q.))~~ O. "Equitable price" means the price that a willing buyer would pay to a willing seller for a going concern, less any value attributed to the franchise itself, less the amount of harm to the community, and less any expenses incurred by the county as result of the actions giving rise to the revocation.

~~((R. Executive means the King County executive, as established by Article 3 of the King County Charter, or his designee.~~

~~S.))~~ P. "Fair market price" means the price that a willing buyer would pay to a willing seller for a going concern, less any value attributed to the franchise itself.

~~((T.))~~ Q. "FCC" means the Federal Communications Commission and any legally appointed, designated or elected agent or successor.

~~((U.))~~ R. "Franchise" means the right granted by the county to a franchisee to construct, reconstruct,

repair, maintain and operate a cable system over, on, along, or under any public rights-of-way within all or specified areas within unincorporated areas of the county. The term does not include any license or permit required by other laws, ordinances or rules of the county for the privilege of transacting and carrying on a business within the county, or for construction, reconstruction, repair or maintenance on, over or under or use of any public rights-of-way.

~~((V-))~~ S. "Franchise agreement" means a document entered into between the county and a franchisee that sets forth the terms and conditions under which the franchise will be exercised.

~~((W-))~~ T. "Franchisee" means any person granted a franchise pursuant to this chapter who has entered into a franchise agreement with King County.

~~((X-))~~ U. "Gross revenues" means the annual gross revenue of the franchisee from all sources in the operation of the cable communications system, excluding any bad debt, sales tax, excise tax, or other taxes collected for direct pass-through to local, state or federal government.

~~((Y-))~~ V. "Installation" means the connection and/or activation of the system from feeder cable to subscriber terminals.

~~((Z-))~~ W. "Institutional network" means a voice, data and/or video communications system, whether physically integrated with a cable system or not, that is constructed, operated or maintained by a franchisee, whose transmissions are principally available to persons other than cable television subscribers.

~~((AA-))~~ X. "Interconnect" means the sharing of video, audio and/or data transmissions between two or more cable systems, institutional networks and/or users.

~~((BB-))~~ Y. "Minority persons" means African-Americans, Hispanics, Mexican-Americans, Asian-Americans, Pacific Islanders, American Indians and Alaska Natives.

~~((CC-))~~ Z. "Person" means any individual, corporation, partnership, limited partnership, association, joint venture, organization, or any other legal entity of any kind, and any lawful trustee, successor, assignee, transferee or personal representative thereof.

~~((DD.))~~ AA. "Public rights-of-way" means the surface of and the space along, above and below any street, road, highway, freeway, lane, sidewalk, alley, court, boulevard, parkway, drive, utility easement and road right-of-way now or hereafter held or administered by the county.

~~((EE. State means the State of Washington.~~

~~FF.))~~ BB. "Senior citizen subscriber" means a subscriber sixty-five years of age or over.

CC. "Subscriber" means any person who legally receives cable service delivered over the cable system.

~~((GG.))~~ EE. "Transfer" means any transaction in which:

1. an ownership or other interest in a franchisee is transferred from one person to another person so that control of the franchisee is transferred, or
2. the rights held by the franchisee under a franchise agreement are transferred or assigned, in whole or in part, to another person.

Provided, the transfer of ownership or other interest in a franchisee between members of the same immediate family shall not be a transfer for the purpose of this chapter so long as the county is notified of the fact of the transfer of ownership or other interest no later than fourteen (14) days prior to the transfer of ownership or other interest, except where the transfer of ownership or other interest occurs due to death or disability, in which case the county shall be notified within fourteen (14) days after the transfer of ownership or other interest. The franchisee shall insure that its insurance coverage and all other commitments continue in force without interruption and provide evidence of the same to the county.

For the purposes of this provision, a transfer shall be deemed to be between members of the same family if the transferee is the spouse, parent, sibling, adopted or natural child or other lineal descendant of the transferor, or if the transferee is a trust established for the benefit of such a person or for the benefit of the transferor. If the ownership or other interest in the franchisee is held by the trustee of a trust, then a transfer shall be deemed to be between members of the same family if the transferee is the spouse, parent, sibling, adopted or natural child or other lineal descendant of any other beneficiary of the trust, or any trust created for

the benefit of such a person.

Provided further that, the transfer of ownership or other interest in a franchisee in connection with an internal reorganization or internal merger to a direct or indirect parent, subsidiary or affiliated entity under common control with the franchisee shall not be a transfer for the purpose of this chapter so long as:

1. the county is notified of the proposed transfer no later than thirty (30) days prior to the transfer of ownership or other interest;
2. the transferee shall insure that insurance coverage and all other commitments under the franchise agreement continue in force and without interruption and provide evidence to the same of the county no later than thirty (30) days prior to the proposed transfer; and
3. there is no increased risk of liability to the county or nonperformance of the terms of the franchise agreement.

~~((HH.))~~ FF. "Two-way capability" means the capacity for two-way transmission, over the cable system.

~~((H.))~~ GG. "Video programming vendor" means a person engaged in the production, creation, or wholesale distribution of video programming for sale.

SECTION 19. Ordinance 10159, Section 16, as amended, and K.C.C. 6.27A.140 are each hereby amended to read as follows:

A. A franchisee must charge uniform prices throughout the geographic area in which cable service is provided over its cable system, except that different rates may be offered to commercial rate subscribers, and provided further that reduced rates may be offered to:

1. new subscribers,
2. subscribers adding a service that they have not previously received, or
3. disabled, senior citizen, low income or bulk rate subscribers.

To the extent provided by federal law, a franchisee may change its rates and charges only if it has given a minimum of thirty (30) calendar days prior written notice to subscribers and the cable office.

B. The county may regulate rates except to the extent it is prohibited from doing so by state or federal law. Any regulated rate shall be adopted by ordinance and shall be processed in accordance with the provisions of K.C.C. 20.24.070. The cable office shall promptly notify the hearing examiner of any proposed rate changes. The director of the department of (~~executive services~~) information technology is authorized to issue an order to toll the effective date of proposed rates in accordance with the provisions of the FCC rules and to take any other action necessary to implement rate regulation. The director of the department of (~~executive services~~) information technology shall adopt rules governing the regulation of rates that:

1. are consistent with the FCC's regulations,
2. provide a reasonable opportunity for consideration of the views of interested parties, and
3. establish procedures analogous to those set forth by the FCC governing

requests that proprietary information produced in the course of a rate proceeding be treated as confidential, to the extent permitted by law.