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Enactment date: 8/26/2011 **Enactment #:** 17166

Title: AN ORDINANCE relating to integrating annual reporting on climate change, energy, green building and environmental purchasing programs; amending Ordinance 11617, Section 3, as amended, and K.C.C. 2.95.015, Ordinance 9240, Section 17, as amended, and K.C.C. 10.16.170 and Ordinance 9240, Section 18, as amended, and K.C.C. 10.16.180, adding new chapters to K.C.C. Title 18, recodifying K.C.C. 2.95.005, K.C.C. 2.95.015, K.C.C. 2.95.025, K.C.C. 2.95.035, K.C.C. 10.16.010, K.C.C. 10.16.020, K.C.C. 10.16.055, K.C.C. 10.16.060, K.C.C. 10.16.075, K.C.C. 10.16.090, K.C.C. 10.16.160, K.C.C. 10.16.170 and K.C.C. 10.16.180 and repealing Ordinance 5770, Section 101, and K.C.C. 18.04.010, Ordinance 5770, Section 102, Ordinance 5770, Section 201 (part), and K.C.C. 18.08.010, Ordinance 5770, Section 201 (part), and K.C.C. 18.08.020, Ordinance 5770, Section 201 (part), and K.C.C. 18.08.030, Ordinance 5770, Section 201 (part), and K.C.C. 18.08.040, Ordinance 5770, Section 201 (part), and K.C.C. 18.08.050, Ordinance 5770, Section 201 (part), and K.C.C. 18.08.060, Ordinance 5770, Section 201 (part), and K.C.C. 18.08.070, Ordinance 5770, Section 301, and K.C.C. 18.12.010, Ordinance 5770, Section 302, as amended, and K.C.C. 18.12.020, Ordinance 5770, Section 303, and K.C.C. 18.12.030, Ordinance 5770, Section 304, and K.C.C. 18.12.040 and Ordinance 5770, Section 401, and K.C.C. 18.16.010.

Sponsors: Larry Phillips

Indexes: Climate Change, Energy, Purchasing

Code sections: 10.16.010 -, 10.16.020 -, 10.16.055 - ., 10.16.060 -, 10.16.075 - ., 10.16.090 -, 10.16.160 -, 10.16.170 -, 10.16.180 -, 18.04.010 - ., 18.08.010 - ., 18.08.020 - ., 18.08.030 - ., 18.08.040 - ., 18.08.050 - ., 18.08.060 - ., 18.08.070 - ., 18.12.010 - ., 18.12.020 -, 18.12.030 - ., 18.12.040 - ., 18.16.010 - ., 2.95.005 - ., 2.95.015 - ., 2.95.025 - ., 2.95.035 - .

Attachments: 1. Ordinance 17166.pdf, 2. 2011-0308 transmittal letter.doc, 3. 2011-0308 fiscal note.xls, 4. 2011-0308 attachment to transmittal letter--Toward A Sustainable, Prosperous King County--2010 Annual Report of King County's Climate Change, Energy, Green Building and Environmental Purchasing Programs--June 201.pdf, 5. 2011-0308 Staff Report (7-26-11).doc, 6. 2011-0308 Striking Amendment (7-26-11).doc, 7. 2011-0308 Title Amendment (7-26-11).doc, 8. 2011-0308 Revised Staff Report, 9. Amendment 1 8-15-11.pdf

Date	Ver.	Action By	Action	Result
8/15/2011	2	Metropolitan King County Council	Hearing Held	
8/15/2011	2	Metropolitan King County Council	Passed as Amended	Pass
7/26/2011	1	Transportation, Economy, and Environment Committee	Recommended Do Pass Substitute	Pass
7/18/2011	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE relating to integrating annual reporting on climate change, energy, green building and environmental purchasing programs; amending Ordinance 11617, Section 3, as amended, and K.C.C. 2.95.015, Ordinance 9240,

Section 17, as amended, and K.C.C. 10.16.170 and Ordinance 9240, Section 18, as amended, and K.C.C. 10.16.180, adding new chapters to K.C.C. Title 18, recodifying K.C.C. 2.95.005, K.C.C. 2.95.015, K.C.C. 2.95.025, K.C.C. 2.95.035, K.C.C. 10.16.010, K.C.C. 10.16.020, K.C.C. 10.16.055, K.C.C. 10.16.060, K.C.C. 10.16.075, K.C.C. 10.16.090, K.C.C. 10.16.160, K.C.C. 10.16.170 and K.C.C. 10.16.180 and repealing Ordinance 5770, Section 101, and K.C.C. 18.04.010, Ordinance 5770, Section 102, Ordinance 5770, Section 201 (part), and K.C.C. 18.08.010, Ordinance 5770, Section 201 (part), and K.C.C. 18.08.020, Ordinance 5770, Section 201 (part), and K.C.C. 18.08.030, Ordinance 5770, Section 201 (part), and K.C.C. 18.08.040, Ordinance 5770, Section 201 (part), and K.C.C. 18.08.050, Ordinance 5770, Section 201 (part), and K.C.C. 18.08.060, Ordinance 5770, Section 201 (part), and K.C.C. 18.08.070, Ordinance 5770, Section 301, and K.C.C. 18.12.010, Ordinance 5770, Section 302, as amended, and K.C.C. 18.12.020, Ordinance 5770, Section 303, and K.C.C. 18.12.030, Ordinance 5770, Section 304, and K.C.C. 18.12.040 and Ordinance 5770, Section 401, and K.C.C. 18.16.010.

STATEMENT OF FACTS:

1. Three separate annual program reports are currently provided to the King County council on climate change and energy, green building and environmental purchasing.
2. The 2010 King County Energy Plan, adopted by Motion 13368, noted in Strategy 13, that the county will "Integrate and streamline reporting requirements related to energy efficiency, green building, and greenhouse-gas emissions to maximize their value for evaluating performance, informing policy choices and capital investments, and providing useful information to the public."

3. On January 31, 2011, the King County executive transmitted a letter of intent to the King County council to comply with this strategy by producing a consolidated report on the county's climate change, energy and green building programs, and indicated the report would also incorporate the closely related environmental purchasing report required under Ordinance 15912.

4. A single comprehensive report covering these related efforts provides several benefits: integrating climate change, energy, green building and environmental purchasing performance measures; providing a single reference for the public, council and other stakeholders about county progress on these related efforts; streamlining the resources directed to multiple related reporting requirements, allowing a greater focus on implementation; and facilitating collaboration and coordination on diverse but related issues.

5. A consolidated climate change, energy, green building and environmental purchasing report replaces the annual Climate Change Report required by Motion 12362 and due on February 1, the green building annual report required by Ordinance 16147 and due May 1, and the environmental purchasing report required by Ordinance 15912 and due in April.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. There is hereby established a new chapter in K.C.C. Title 18. This new chapter shall contain section 2 of this ordinance.

NEW SECTION. SECTION 2. There is hereby added to the new chapter established in section 1 of this ordinance a new section to read as follows:

The executive shall transmit by June 30 of each year a report on the county's major environmental sustainability programs intended to reduce energy use, climate emissions and resource use. The executive shall transmit the report to council, filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of

staff and the lead staff for the transportation economy and environment committee or its successor. The report shall cover the climate change, energy, green building and environmental purchasing programs. For each of these programs, the executive shall describe the major accomplishments and include a summary of performance relative to key environmental goals and indicators, challenges and opportunities and recommendations. The report shall be structured in a way that links actual performance to established goals and indicators and can guide policy choices, program priorities, and investments in capital projects. The report should address the following:

A. The climate change program, including:

1. The greenhouse gas emissions reduction targets for both county government operations and the county as a whole and actions to reduce operational and community scale greenhouse gas emissions; and
2. Specific climate mitigation and adaptation strategies, performance measures and targets;

B. The energy program, including energy targets established in the 2010 Energy Plan;

C. The green building program, including:

1. The total number of capital projects for which a division is responsible, and the number of LEED projects and other sustainable development projects, such as historic restoration and adaptive reuse, and their status;
2. The additional costs associated with achieving LEED certification;
3. The total number of non-LEED projects that have completed a sustainable development scorecard;
4. The green strategies employed;
5. The operations and maintenance costs for all completed projects incorporating green building principles and practices and projects incorporating renewable energy or energy efficiency components, as well as the operations and maintenance costs that were projected before construction;
6. The reductions in greenhouse gas emissions;
7. The construction waste recycled; renewable resources used;

8. The green materials used; and

9. The fiscal performance of all projects incorporating green building principles and practices

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

D. The environmental purchasing program, including:

1. Quantities, costs and types of recycled and other environmentally preferable products purchased, and quantities of computers and electronics recycled;

2. A summary of savings achieved through the purchase of recycled and other environmentally preferable products;

3. A summary of program promotional efforts; and

4. Recommendations for changes in procurement policies.

SECTION 3. There is hereby established a new chapter in K.C.C. Title 18. This new chapter shall contain K.C.C. 2.95.005 as recodified by this ordinance, K.C.C. 2.95.015, as recodified by this ordinance, K.C.C. 2.95.025, as recodified by this ordinance, and K.C.C. 2.95.035, as recodified by this ordinance.

SECTION 4. K.C.C. 2.95.005 is hereby recodified as a new section in the new chapter established in section 3 of this ordinance.

SECTION 5. K.C.C. 2.95.015, as amended by this ordinance, is hereby recodified as a new section in the new chapter established in section 3 of this ordinance.

SECTION 6. Ordinance 16147, Section 3, as amended, and K.C.C. 2.95.015 are each hereby amended to read as follows:

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

B. This policy applies to all King County-owned or lease-to-own capital projects, excluding projects that have already completed thirty percent of the design phase ((at the time of ordinance adoption)) by June 23,

2008.

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

D. All LEED-eligible new construction and major remodels and renovations shall be registered through the United States Green Building Council and should plan for and achieve a LEED Gold certification, as long as a Gold certification can be achieved with no incremental cost impact to the current expense fund over the life of the asset and an incremental cost impact of no more than two percent to other funds over the life of the asset, as compared to a project that is not seeking a LEED rating. At or before the project has reached thirty percent of the design phase, the project team shall conduct an analysis that determines the incremental costs for achieving a LEED Gold rating as compared to a building that is not seeking a LEED rating. The analysis shall include the up-front incremental construction costs, the up-front costs of registration and certification and the present value of operations and maintenance cost savings over the life of the asset. For the purposes of this analysis, operations and maintenance cost savings shall be comprised of projected costs the county will incur over the life of the asset. The costs included in this analysis shall be quantifiable, documented and verifiable by third-party review upon project completion and thereafter.

At thirty percent of the design phase, the project team shall also provide a summary discussion of the LEED points that the project will achieve and the LEED points that are technically infeasible for the project to obtain.

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

If it is determined that costs are too high to achieve a LEED Gold rating, or that the project is unable to achieve that rating for technical reasons, projects shall achieve the highest rating possible with no incremental

cost impact to the current expense fund over the life of the asset and an incremental cost impact of no more than two percent to other funds over the life of the asset as compared to a project not achieving a LEED rating. There may be extenuating circumstances for some LEED-eligible projects that make it cost prohibitive to achieve any level of LEED certification. These projects must submit a written summary to the director of the department managing the project for approval, documenting the reasons why the project is not getting a LEED certification.

E. All capital projects, where the scope of the project or type of structure limits the ability to achieve LEED certification, shall incorporate cost-effective green building and sustainable development practices based on relevant LEED criteria and other applicable sustainable development goals and objectives. These projects shall use a project scorecard that is to be developed by the green building team, along with guidelines for using the scorecard. The project scorecard and guidelines will be developed by the green building team in conjunction with divisions that have capital project or building management staff and the GreenTools technical support team. ~~((The project scorecard and related guidelines for non-LEED projects shall be developed by January 1, 2009.))~~ Project teams shall submit a completed project scorecard to the green building team, initially at the schematic or thirty percent design phase of the project and then at the completion of the project. For small, related capital projects with construction costs of less than seven hundred and fifty thousand dollars each that are implemented as part of a program, the project scorecard and reporting requirements may be done for the program rather than for each individual small project.

F. For those projects which only involve making either renewable energy improvements or energy efficiency improvements, or both, at or before the project has reached thirty percent of the design phase, the project team shall conduct an analysis that determines the incremental costs of making such improvements. The costs to be included in this analysis shall include the up-front incremental construction costs and the present value of the operations and maintenance cost savings over the life of the asset. For the purposes of this analysis, operations and maintenance cost savings shall be comprised of projected costs the county will incur

over the life of the asset. The costs included in this analysis shall be quantifiable, documented and verifiable by third-party review upon project completion and thereafter.

G. To help achieve a standard level of green building operations in existing buildings, the green building team, in coordination with divisions that have capital project or building management staff and the GreenTools technical support team, shall develop a set of both mandatory and recommended green building operational guidelines for divisions to incorporate into their facility operations procedures. The guidelines shall provide direction on the use of green practices in minor remodels and renovations, water and energy conservation, waste reduction and recycling expectations, green cleaning standards and retrocommissioning to improve a facility's operating performance. ~~((The guidelines shall be developed by January 1, 2009.))~~

H. No later than January 31 of each year, all divisions responsible for capital improvement projects or building management shall submit a report to the department of natural resources and parks, detailing the green building and sustainable development accomplishments for the previous year. ~~((The green building team shall develop a reporting form for this purpose and issue it to all divisions responsible for capital improvement projects or building management no later than January 1, 2009, to be used for the 2009 reporting year.))~~

Information to be submitted shall include, but not be limited to:

1. The total number of capital projects a division is responsible for; number of LEED projects and other sustainable development projects, such as historic restoration and adaptive reuse, and their status;
2. The additional costs associated with achieving LEED certification;
3. The total number of non-LEED projects that have completed a sustainable development scorecard;
4. The green strategies employed;
5. The operations and maintenance costs for all completed projects incorporating green building principles and practices and projects incorporating renewable energy or energy efficiency components, as well as the operations and maintenance costs that were projected before construction;
6. The reductions in greenhouse gas emissions;

7. The construction waste recycled; renewable resources used;

8. The green materials used; and

9. The fiscal performance of all projects incorporating green building principles and practices

including an accounting of all project costs and benefits that can be quantified, documented and verified.

I. ~~((The department of natural resources and parks shall compile an annual progress report of county projects using the information submitted by departments. Eleven copies of the annual progress report shall be files with the clerk of the council by May 1 of each year, for distribution to all councilmembers.))~~ The executive shall report on the progress of implementing K.C.C. 2.95.015 in accordance with section 2 of this ordinance.

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

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

2. Developing regionally appropriate building and infrastructure design standards and guidelines;

3. Developing tools and procedures for assessing life-cycle fiscal, environmental and functional costs and benefits;

4. Convening and facilitating sustainable development planning and charrette workshops;

5. Evaluating performance of projects and facilities, including conducting post occupancy surveys, energy and water use audits and evaluating benefits realized; and

6. Tracking and reporting progress on implementation of green building and sustainable development practices.

K. Each division with capital project or building management staff shall designate one or more green building team member or members. The team member is expected to regularly attend meetings and actively participate in disseminating sustainable development practices information back to the respective division.

Green building team members should also receive either specialized training or additional training, or both, in green building design and should be encouraged to achieve the LEED Accredited Professional designation, as appropriate.

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

M. The GreenTools program shall provide technical support for the county green building team and to cities and the general public in the county as appropriate, including, but not limited to, training on LEED and other green building and sustainable development technologies, research, project review, assisting with budget analysis and convening groups to develop strategies and policies relating to green buildings and sustainable infrastructures.

N. The preservation, restoration and adaptive reuse of existing buildings is an important green building strategy because historic preservation is, in itself, sustainable development. As part of the county green building strategy, the county shall preserve and restore the historic landmarks and properties eligible for landmark designation that are owned by the county, except in cases where a certificate of appropriateness is granted by the King County landmarks commission. Projects involving designated landmarks or properties that are eligible for landmark designation shall seek to maximize green building strategies such as natural daylighting and passive ventilation. However, the King County landmarks commission or other applicable regulatory body may waive requirements of this section upon issuing findings that strict compliance with this chapter would adversely affect the historic character of the resource in question, or that there are no feasible alternatives for preservation.

SECTION 7. Section 6 of this ordinance expires December 31, 2013.

SECTION 8. K.C.C. 2.95.025 and K.C.C. 2.95 035 are each hereby recodified as new sections in the

new chapter established under section 3 of this ordinance.

SECTION 9. There is hereby established a new chapter in K.C.C. Title 18. This new chapter shall contain K.C.C. 10.16.010, as recodified by this ordinance, K.C.C. 10.16.020, as recodified by this ordinance, K.C.C. 10.16.055, as recodified by this ordinance, K.C.C. 10.16.060, as recodified by this ordinance, K.C.C. 10.16.075, as recodified by this ordinance, K.C.C. 10.16.090, as recodified by this ordinance, K.C.C. 10.16.160, as recodified by this ordinance, K.C.C. 10.16.170, as recodified by this ordinance, K.C.C. 10.16.180, as recodified by this ordinance, and K.C.C. 10.16.190, as recodified by this ordinance.

SECTION 10. K.C.C. 10.16.010, K.C.C. 10.16.020, K.C.C. 10.16.055, K.C.C. 10.16.060, K.C.C. 10.16.075, K.C.C. 10.16.090 and K.C.C. 10.16.160 are each hereby recodified as new sections in the new chapter established under section 9 of this ordinance.

SECTION 11. K.C.C. 10.16.170, as amended by this ordinance, is hereby recodified as a new section in the new chapter established in section 11 of this ordinance.

SECTION 12. Ordinance 9240, Section 17, as amended, and K.C.C. 10.16.170 are each hereby amended to read as follows:

The solid waste division is responsible for:

A. Providing information and technical assistance to local governments, schools, colleges and other public and private organizations to increase their purchase of recycled and other environmentally preferable products;

B. Preparing press releases and fact sheets publicizing the successes of the program;

C. ~~((Assisting the procurement and contract services section by forwarding the annual program report to the council in June of each year;~~

~~D.))~~ Assisting the procurement and contract services section in fulfilling its responsibilities under this chapter; and

~~((E.))~~ D. Providing technical assistance to county departments in evaluating paper reduction strategies

and educating employees in implementing paper conservation measures.

SECTION 13. K.C.C. 10.16.180 is hereby recodified as a new section in the new chapter established under section 9 of this ordinance.

SECTION 14. Ordinance 9240, Section 18, as amended, and K.C.C. 10.16.180 are each hereby amended to read as follows:

The procurement and contract services section is responsible for:

- A. Assigning appropriate personnel to fulfill the requirements of this policy;
- B. Preparing or revising bid documents and contract language where necessary to implement this chapter;
- C. Researching opportunities for procurement of recycled and other environmentally preferable products and communicating these to appropriate county departments for evaluation and purchase;
- D. Collecting data on purchases by departments of recycled and other environmentally preferable products; and
- E. Preparing ~~((and submitting a report to the solid waste division each year by March 31, describing the progress of departments in implementation of the environmental purchasing policy, including the following elements:~~
 - ~~1. Quantities, costs and types of recycled and other environmentally preferable products purchased, and quantities of computers and electronics recycled;~~
 - ~~2. A summary of savings achieved through the purchase of recycled and other environmentally preferable products;~~
 - ~~3. A summary of program promotional efforts; and~~
 - ~~4. Recommendations for changes in procurement policies))~~ information and staff support as necessary for the preparation of the report required in section 2 of this ordinance.

SECTION 15. K.C.C. 10.16.190 is hereby recodified as a new section in the new chapter established

under section 9 of this ordinance.

SECTION 16. The following are hereby repealed:

- A. Ordinance 5770, Section 101, and K.C.C. 18.04.010;
- B. Ordinance 5770, Section 102;
- C. Ordinance 5770, Section 201 (part), and K.C.C. 18.08.010;
- D. Ordinance 5770, Section 201 (part), and K.C.C. 18.08.020;
- E. Ordinance 5770, Section 201 (part), and K.C.C. 18.08.030;
- F. Ordinance 5770, Section 201 (part), and K.C.C. 18.08.040;
- G. Ordinance 5770, Section 201 (part), and K.C.C. 18.08.050;
- H. Ordinance 5770, Section 201 (part), and K.C.C. 18.08.060;
- I. Ordinance 5770, Section 201 (part), and K.C.C. 18.08.070;
- J. Ordinance 5770, Section 301, and K.C.C. 18.12.010;
- K. Ordinance 5770, Section 302, as amended, and K.C.C. 18.12.020;
- L. Ordinance 5770, Section 303, and K.C.C. 18.12.030;
- M. Ordinance 5770, Section 304, and K.C.C. 18.12.040; and
- N. Ordinance 5770, Section 401, and K.C.C. 18.16.010.