



Legislation Text

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Clerk 02/25/2013

AN ORDINANCE enhancing King County council involvement and oversight of community partnerships and grants projects by adopting notice and approval requirements for certain projects; and amending Ordinance 17392, Section 1, and K.C.C. 7.08.110.

STATEMENT OF FACTS:

1. In 2002, in response to a severe fiscal crisis, the King County council passed Ordinance 14509 that directed the King County parks and recreation division of the department of natural resources and parks to change its way of doing business so that it could continue its operations without general fund support.
2. One of the goals of Ordinance 14509 was to foster partnership to develop parks facilities and amenities while minimizing the tax burden on the residents of King County.
3. In 2003, the council adopted Motion 11680 approving program policies and project selection guidelines for community partnership projects. Since that time, more than forty partnership projects have been completed or are in progress. The total value of new public recreation amenities is estimated at fifty million dollars, with an investment from King County of approximately fourteen million dollars.
4. In July 2012, the council passed Ordinance 17392, which required prior council approval by ordinance of any privately funded improvement in a King County park with a fair market value of more than fifty thousand dollars. The ordinance further directed the parks and recreation

division to develop a report setting forth recommendations for modifications to policies, procedures and code that implement the community partnership and grant program, use agreements and permits for effectiveness and transparency.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 17392, Section 1, and K.C.C. 7.08.110 are each hereby amended to read as follows:

~~((No improvement or construction in any county park with a fair market value in excess of fifty thousand dollars shall be made unless authorized in advance by ordinance.))~~ A. For any improvement or construction on parks and recreation division property with an anticipated private investment from a community partner group of less than ten thousand dollars, including in-kind contributions and volunteer hours, the division will execute a contractual agreement with the community partner group before any construction of the improvement, by or on behalf of the community partner group, commences.

B. For any improvement or construction on parks and recreation division property with an anticipated private investment of between ten thousand dollars and ninety-nine thousand nine hundred ninety-nine dollars from a community partner group, including in-kind contributions and volunteer hours, the division shall notify the chair of the council's transportation, economy and environment committee or its successor as well as the councilmember in whose district the project is located. The notice shall be provided at least thirty days before the division enters into any contractual agreement with the community partner group relating to this improvement. The notice may be provided electronically and shall include at least the following:

1. A description of the project;
2. The project location;
3. Key anticipated milestones; and
4. The anticipated public and private investment.
5. Verification that the community partner group has agreed to execute a contractual agreement that

includes indemnification provisions as set forth in subsection D. of this section.

C. Any improvement or construction on parks and recreation division property with an anticipated private investment of one hundred thousand dollars or more from a community partner group, including in-kind contributions and volunteer hours, must be approved by ordinance before the commencement by, or on behalf of the community partner group, for the design or construction of the improvement. An ordinance authorizing a use agreement or a detailed capital improvement program budget with respect to any such a project constitutes authorization under this section, but only if the use agreement or capital improvement program budget is approved before construction or any contractual agreement regarding construction.

D. All contractual agreements shall include indemnification provisions that ensure that community partners and their volunteers agree to indemnify and hold harmless King County to the extent permitted under the law, for all claims, demands, suits and judgments caused by and arising out of work performed by community partner groups and their volunteers, including design and construction work. All contractual agreements shall include insurance provisions in amounts and coverages approved by the county's risk management division. No construction or improvement on parks and recreation division property can begin before a contractual agreement is executed.

SECTION 2. The King County council hereby acknowledges receipt of the attached Community Partnerships and Grants Program Report.