

Legislation Text

File #: 2001-0288, **Version:** 3

AN ORDINANCE relating to reorganization of the executive branch; amending Ordinance 5962, section 2, and K.C.C. 2.12.080; Ordinance 11955, section 2, and K.C.C. 2.16.020; Ordinance 12075, section 3, as amended, and K.C.C. 2.16.025; Ordinance 11955, section 9, as amended, and K.C.C. 2.16.045; Ordinance 11955, section 5, as amended, and K.C.C. 2.16.055; Ordinance 14005, section 3, and K.C.C. 2.16.0755; Ordinance 13263, section 42, and K.C.C. 2.16.097; Ordinance 11955, section 12, and K.C.C. 2.16.100; Ordinance 11955, section 13, as amended, and K.C.C. 2.16.110; Ordinance 11955, section 11, as amended, and K.C.C. 2.16.140; Ordinance 12341, section 1, and K.C.C. 2.16.250; Ordinance 13623, section 1, and K.C.C. 2.36.055; Ordinance 11417, section 6, and K.C.C. 2.40.040; Ordinance 12075, section 12, and K.C.C. 2.40.050; Ordinance 12014, section 2, and K.C.C. 3.04.017; Ordinance 12014, section 3, and K.C.C. 3.04.030; Ordinance 1308, section 6, as amended, and K.C.C. 3.04.050; Ordinance 1321, section 5, as amended, and K.C.C. 3.04.110; Ordinance 12014, section 31, and K.C.C. 3.12.330; Ordinance 12943, section 14, and K.C.C. 3.12A.020; Ordinance 12014, section 56, as amended, and K.C.C. 3.24.170; Ordinance 12077, section 13, and K.C.C. 3.30.040; Ordinance 12076, section 8, and K.C.C. 4.08.005; 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 12076, section 7, and K.C.C. 4.08.030; Ordinance 12076, section 11, and K.C.C. 4.08.035; Ordinance 3521, section 1, and K.C.C. 4.08.040; Ordinance 12076, section 15, and K.C.C. 4.08.070; Ordinance 12076, section 16, and K.C.C. 4.08.090; Ordinance 12076, section 17, and K.C.C. 4.08.100; Ordinance 12076, section 18, and K.C.C. 4.08.110; Ordinance 12076, section 19, and K.C.C. 4.08.130; Ordinance 12076, section 20, and K.C.C. 4.08.140; Ordinance 12076, section 25, as amended, and K.C.C. 4.08.210; Ordinance 12076, section 32, and K.C.C. 4.08.280; Ordinance 11591, section 1, and K.C.C. 4.08.290; Ordinance 12144, sections 1 and 2 , and K.C.C. 4.08.295; Ordinance 14008, section 1, and K.C.C. 4.08.297; Ordinance 13325, sections 5, 6 and 7, and K.C.C. 4.08.315; Ordinance 13302, sections 1 and 2, and K.C.C. 4.08.325; Ordinance 13733, section 9, and K.C.C. 4.08.327; Ordinance 12076, section 33, and K.C.C. 4.10.010; Ordinance 12076, section 34, and K.C.C. 4.10.040; Ordinance 12076, section 35, and K.C.C. 4.10.050; Ordinance 7112, section 6, and K.C.C. 4.10.060; Ordinance 7112, section 7, and K.C.C. 4.10.070; Ordinance 7112, section 9, and K.C.C. 4.10.090; Ordinance 12076, section 36, as amended, and K.C.C. 4.10.110; Ordinance 12076, section 37, and K.C.C. 4.10.120; Ordinance 7112, section 13, and K.C.C. 4.10.130; Ordinance 12076, section 41, and K.C.C. 4.14.030; Ordinance 12076, section 42, and K.C.C. 4.14.040; Ordinance 12138, section 6, and K.C.C. 4.16.010; Ordinance 12138, section 7, and K.C.C. 4.16.025; Ordinance 12138, section 9, and K.C.C. 4.16.040; Ordinance 12138, section 10, and K.C.C. 4.16.070; Ordinance 12138, section 11, as amended, and K.C.C. 4.16.080; Ordinance 10581, section 8, as amended, and K.C.C. 4.16.085; Ordinance 3441, section 8, as amended, and K.C.C. 4.16.090; Ordinance 12138,

section 12, and K.C.C. 4.16.095; Ordinance 12138, section 13, and K.C.C. 4.16.100; Ordinance 12138, section 14, and K.C.C. 4.16.110; Ordinance 12076, section 45, and K.C.C. 4.16.130; Ordinance 12138, section 22, and K.C.C. 4.16.140; Ordinance 12138, section 16, and K.C.C. 4.16.142; Ordinance 12138, section 19, and K.C.C. 4.16.155; Ordinance 12138, section 20, and K.C.C. 4.16.165; Ordinance 12138, section 23, and K.C.C. 4.16.175; Ordinance 13983, section 3, and K.C.C. 4.19.030; Ordinance 12076, section 46, and K.C.C. 4.20.020; Resolution 9490 (part) and K.C.C. 4.36.010; Resolution 9490 (part), as amended, and K.C.C. 4.36.020; Ordinance 12076, section 47, and K.C.C. 4.42.040; Ordinance 9279, section 9, and K.C.C. 4.42.070; Ordinance 12076, section 49, and K.C.C. 4.42.100; Ordinance 12076, section 50, and K.C.C. 4.44.010; Ordinance 12076, section 51, and K.C.C. 4.52.010; Ordinance 12045, section 21, and K.C.C. 4.56.030; Ordinance 12045, section 20 and K.C.C. 4.56.035; Ordinance 12045, section 3, and K.C.C. 4.56.040; Ordinance 12045, section 2, and K.C.C. 4.56.050; Ordinance 12045, section 4, as amended, and K.C.C. 4.56.060; Ordinance 12045, section 5, as amended, and K.C.C. 4.56.070; Ordinance 12045, section 6, and K.C.C. 4.56.075; Ordinance 12394, section 3, and K.C.C. 4.56.085; Ordinance 12045, section 10, as amended, and K.C.C. 4.56.100; Ordinance 12045, section 11, and K.C.C. 4.56.115; Ordinance 12045, section 12, and K.C.C. 4.56.130; Ordinance 12045, section 13, as amended, and K.C.C. 4.56.140, Ordinance 12045, section 14, as amended, and K.C.C. 4.56.150; Ordinance 12045, section 15, as amended, and K.C.C. 4.56.160; Ordinance 12045, section 16, and K.C.C. 4.56.170; Ordinance 12192, section 1, and K.C.C. 4.56.195; Ordinance 12076, section 52, and K.C.C. 4.57.010; Ordinance 10326,

section 2, and K.C.C. 4.62.020; Ordinance 10326, section 3, and K.C.C 4.62.030; Ordinance 12076, section 55, as amended, and K.C.C. 4.64.030; Ordinance 12076, section 56, and K.C.C. 4.68.010; Ordinance 12076, section 59, and K.C.C. 4.84.020; Ordinance 14006, section 2, and K.C.C. 4.98.010; Ordinance 13923, section 4, and K.C.C. 4.100.020; Ordinance 13923, section 5, and K.C.C. 4.100.030; Ordinance 1888, article 1, section 2, and K.C.C. 6.01.010; Ordinance 1492, section 23, and K.C.C. 6.24.180; Ordinance 1710, section 5, and K.C.C. 6.27.050; Ordinance 10159, section 3, as amended, and K.C.C. 6.27A.010; Ordinance 10159, section 16, as amended, and K.C.C. 6.27A.140; Ordinance 10159, section 25, and K.C.C. 6.27A.230; Ordinance 10159, section 28, and K.C.C. 6.27A.260; Ordinance 10498, section 1, and K.C.C. 6.64.010; Ordinance 8659, section 2, and K.C.C. 6.72.020; Ordinance 1603, section 1, as amended, and K.C.C. 6.76.010; Ordinance 5225, section 2 (part), as amended, and K.C.C. 7.08.010; Ordinance 6798, section 1, as amended, and K.C.C. 7.12.010; Ordinance 6798, section 69, as amended, and K.C.C. 7.12.690; Resolution 36164, as amended, and K.C.C. 7.16.010; Ordinance 9163, section 2, as amended, and K.C.C. 9.04.020; Ordinance 2281, section 6, as amended, and K.C.C. 9.04.070; Ordinance 13191, section 10, and K.C.C. 9.04.115; Ordinance 4938, section 12, as amended, and K.C.C. 9.04.140; Ordinance 7590, section 1, as amended, and K.C.C. 9.08.010; Ordinance 7590, section 14, as amended, and K.C.C. 9.08.110; Ordinance 10636, section 3, as amended, and K.C.C. 9.12.015; Ordinance 10636, section 4, as amended, and K.C.C. 9.12.025; Ordinance 10636, section 5, as amended, and K.C.C. 9.12.035; Ordinance 10636, section 6, as amended, and K.C.C. 9.12.045; Ordinance 10636, section 7, as amended, and K.C.C. 9.12.050;

Ordinance 8891, section 3, as amended, and K.C.C. 10.04.020; Ordinance 800, section 3, as amended, and K.C.C. 10.12.030; Ordinance 800 (part), as amended, and K.C.C. 10.12.060; Ordinance 9240, section 3, and K.C.C. 10.16.030; Ordinance 11949, section 5, and K.C.C. 10.22.035; Ordinance 6862, section 1, and K.C.C. 10.28.010; Ordinance 6862, section 2, as amended, and K.C.C. 10.28.020; Ordinance 6862, sections 3 and 4 , and K.C.C. 10.28.030; Ordinance 9464, section 2, and K.C.C. 11.06.020; Ordinance 5280, section 2, as amended, and K.C.C. 12.20.020; Ordinance 13263, section 53, and K.C.C. 12.20.150; Ordinance 8625, section 2, and K.C.C. 12.22.020; Ordinance 1198, sections 2 and 3 , as amended, and K.C.C. 12.44.250; Ordinance 1239, sections 2 through 9 , as amended, and K.C.C. 12.44.260; Ordinance 1468, sections 2 and 3 , as amended, and K.C.C. 12.44.280; Ordinance 2086, section 1, and K.C.C. 12.44.300; Ordinance 2875, section 1, and K.C.C. 12.44.310; Ordinance 3038 and K.C.C. 12.44.320; Ordinance 4965, section 1, and K.C.C. 12.44.330; Ordinance 4966, section 1, and K.C.C. 12.44.340; Ordinance 6015 and K.C.C. 12.44.610; Ordinance 6355 and K.C.C. 12.44.740; Ordinance 6384 and K.C.C. 12.44.750; Ordinance 6889 and K.C.C. 12.44.760; Ordinance 6909 and K.C.C. 12.44.770; Ordinance 8847 and K.C.C. 12.44.780; Ordinance 9860 and K.C.C. 12.44.790; Ordinance 10311 and K.C.C. 12.44.800; Ordinance 10758 and K.C.C. 12.44.810; Ordinance 12433, section 1, and K.C.C. 12.44.820; Ordinance 4257, section 6, and K.C.C. 12.46.050; Ordinance 2041, section 2, and K.C.C. 12.54.020; Ordinance 5991, sections 1 and 2, and K.C.C. 12.68.770; Ordinance 10154, section 4, as amended, and K.C.C. 12.82.040; Ordinance 10393, section 1, as amended, and K.C.C. 12.82.070; Ordinance 10508, section 1, and K.C.C.

12.82.080; Ordinance 10509, section 1, and K.C.C. 12.82.090; Ordinance 10689, section 1, and K.C.C. 12.82.100; Ordinance 10690, section 1, and K.C.C. 12.82.110; Ordinance 10723 and K.C.C. 12.82.120; Ordinance 10724 and K.C.C. 12.82.130; Ordinance 10793, section 1, and K.C.C. 12.82.140; Ordinance 11006 and K.C.C. 12.82.150; Ordinance 11040 and K.C.C. 12.82.160; Ordinance 11080, section 1, and K.C.C. 12.82.180; Ordinance 11979, section 1, and K.C.C. 12.82.190; Ordinance 11991 and K.C.C. 12.82.200; Ordinance 11071, section 1, as amended, and K.C.C. 12.82.400; Ordinance 4307, section 2, as amended, and K.C.C. 13.24.020; Ordinance 1709, section 6, as amended, and K.C.C. 13.24.080; Ordinance 1709, section 8, as amended, and K.C.C. 13.24.100; Ordinance 665, section 1, and K.C.C. 14.04.010; Ordinance 665, section 5, and K.C.C. 14.04.050; Ordinance 665, section 9, and K.C.C. 14.04.090; Ordinance 5701, section 18, as amended, and K.C.C. 14.16.170; Ordinance 336 (part), as amended, and K.C.C. 14.20.020; Resolution 22903 (part), as amended, and K.C.C. 14.24.010; Resolution 22903 (part), as amended, and K.C.C. 14.24.020; Ordinance 4895, section 6, as amended, and K.C.C. 14.28.060; Ordinance 4895, section 11, and K.C.C. 14.28.090; Ordinance 7025, section 5, and K.C.C. 14.30.025; Resolution 9793 (part), as amended, and K.C.C. 14.32.220; Ordinance 129, section 1, as amended, and K.C.C. 14.40.015; Ordinance 129, section 3, as amended, and K.C.C. 14.40.030; Ordinance 129, section 4, as amended, and K.C.C. 14.40.040; Ordinance 11187, section 1, and K.C.C. 14.42.010; Ordinance 11790, section 1, and K.C.C. 14.44.055; Ordinance 1711, section 8, as amended, and K.C.C. 14.44.080; Ordinance 1711, section 9, and K.C.C. 14.44.090; Ordinance 1711, section 10, and K.C.C. 14.44.100; Ordinance 1711 (part), as

amended, and K.C.C. 14.44.110; Ordinance 4099, section 2, and K.C.C. 14.46.020; Ordinance 4099, section 3, and K.C.C. 14.46.030; Ordinance 1503, section 1, and K.C.C. 14.48.010; Ordinance 1503, section 2, and K.C.C. 14.48.020; Ordinance 1503, section 3, and K.C.C. 14.48.030; Ordinance 1503, section 4, and K.C.C. 14.48.040; Ordinance 3027, section 2, and K.C.C. 14.52.020; Ordinance 3027, section 3, and K.C.C. 14.52.030; Ordinance 3027, section 4, and K.C.C. 14.52.040; Ordinance 3027, section 5, and K.C.C. 14.52.050; Ordinance 11617, section 50, and K.C.C. 14.75.110; Ordinance 7444, section 8, and K.C.C. 15.90.080; Ordinance 1488, section 11, as amended, and K.C.C. 16.82.100; Ordinance 1488, section 12, as amended, and K.C.C. 16.82.110; Ordinance 9614, section 103, as amended, and K.C.C. 16.82.150; Ordinance 5770, section 302, and K.C.C. 18.12.020; Ordinance 9153, as amended, and K.C.C. 20.12.430; Ordinance 4461, section 2, as amended, and K.C.C. 20.24.080; Ordinance 1076, section 3, as amended, and K.C.C. 20.36.030; Ordinance 10511, section 7, as amended, and K.C.C. 20.36.100; Ordinance 12969, section 1, and K.C.C. 20.36.150; Ordinance 10870, section 177, and K.C.C. 21A.06.685; Ordinance 10870, section 330, as amended, and K.C.C. 21A.08.030; Ordinance 10870, section 337, as amended, and K.C.C. 21A.08.100; Ordinance 10870, section 364, as amended, and K.C.C. 21A.14.040; Ordinance 11168, section 3, and K.C.C. 21A.30.045; Ordinance 11168, sections 6 - 8, and K.C.C. 21A.30.064; Ordinance 11168, section 14, and K.C.C. 21A.30.075; Ordinance 10870, section 583, as amended, and K.C.C. 21A.39.020; Ordinance 13275, section 1, and K.C.C. 21A.55.050; Ordinance 13274, section 4, as amended, and K.C.C. 21A.55.130; Ordinance 13274, section 7, and K.C.C.

21A.55.160; Ordinance 13733, section 10, and K.C.C. 21A.55.210; Ordinance 13733, section 11, and K.C.C. 21A.55.220; Ordinance 13733, section 12, and K.C.C. 21A.55.230; Ordinance 13733, section 15, and K.C.C. 21A.55.260; Ordinance 13263, section 3, and K.C.C. 23.02.010; Ordinance 13263, section 13, and K.C.C. 23.02.120; Ordinance 13659, section 2, and K.C.C. 27.02.085; Ordinance 12020, section 13, and K.C.C. 27A.30.020; Ordinance 12020, section 16, and K.C.C. 27A.30.050; Ordinance 11034, section 3 (part), as amended, and K.C.C. 28.82.210; Ordinance 11034, section 3 (part), as amended, and K.C.C. 28.82.220; Ordinance 11034, section 4, as amended, and K.C.C. 28.84.040; Ordinance 13680, section 16, and K.C.C. 28.86.160; Ordinance 13680, section 18, and K.C.C. 28.86.180; Ordinance 5292, section 5, and K.C.C. 46.04.040; adding a new section to K.C.C. chapter 2.16; and repealing Ordinance 11955, section 4, as amended, and K.C.C. 2.16.050, Ordinance 11955, section 8, as amended, and K.C.C. 2.16.075, Ordinance 11955, section 10, as amended, and K.C.C. 2.16.095, Ordinance 1965, section 1, as amended, and K.C.C. 2.16.160, Ordinance 11955, section 7, as amended, and K.C.C. 2.16.165, Ordinance 9024, sections 1 - 3 (part), and K.C.C. 10.20.010, Ordinance 9024, section 1 (part), and K.C.C. 10.20.020, Ordinance 9024, section 2, and K.C.C. 10.20.030, Ordinance 9024, sections 3 (part) and 5, and K.C.C. 10.20.040 and Ordinance 9024, section 4, K.C.C. 10.20.050 and Ordinance 11034, section 4, as amended, and K.C.C. 28.84.040.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. **Policy Direction to Executive.** In adopting this ordinance, it is the council's intent that

the transition to the reorganized government occur with the least possible impacts on county employees and on the services the county provides. In implementing this reorganization and any future reorganization efforts, the executive is directed to ensure that:

A. Elimination of management and administrative positions are considered prior to positions that provide direct services;

B. All personnel actions do not discriminate against any protected class or group and are consistent with the adopted affirmative action plan, which, among other things, encourages developing and maintaining a work environment that promotes diversity, equity and productivity;

C. All layoff and recall actions are consistent with existing collective bargaining agreements and provisions of the county code regarding all career service employees and follow effective communication protocols;

D. Job placement and referral services are provided to employees who have received layoff notices;

E. The skills and expertise necessary to accomplish the county's mission and mandates are retained to the extent feasible;

F. The requirements of the Accountancy Act, RCW 43.09.210, and other local, state and federal laws relating to use of restricted funds or revenues are followed.

SECTION 2. Relationship Between Reorganization and Budget. Adoption of this reorganization ordinance does not indicate approval of any reductions in county services that would impact county employees or the public. The council will review and consider the impacts of any proposed reductions in county services during consideration of the 2002 executive proposed budget and make appropriations accordingly.

SECTION 3. Classification/Compensation Policy. King County conducted a comprehensive classification/compensation survey during the major reorganization of county government at the time of the merger with the municipality of metropolitan Seattle. Nothing in this ordinance creates an obligation for the county to conduct a countywide classification and compensation study. The council intends that the further

reorganization of county government implemented by this ordinance shall not create additional position classification disparities necessitating additional compensation adjustments for all employee classification levels. However, individual positions may be subject to classification review and adjustment.

SECTION 4. Budget, Customer Service and Natural Resources Reports.

The deputy county executive, who fulfills the duties and responsibilities of the county administrative officer as set forth in K.C.C. 2.16.020A, is directed to transmit the following reports with the 2002 executive proposed budget:

A. Fiscal Impacts.

1. A report reconciling the differences between the cost savings and FTE reductions identified by the executive in July 2001 and those in the 2002 executive proposed budget. At a minimum, the report shall also include:

a. Estimated costs and savings related to technology, motor pool, leases, personnel (payroll) and benefits, relocating the offices of county employees, signage, name changes and customer services;

b. Departure costs for those employees who lost positions as a result of the reorganization, including job referral and placement services, vacation payout and unemployment costs; and

c. Status of assets that may be either transferred between agencies or disposed of by agencies, or both.

2. Amended financial plans and policies for current expense and enterprise funds.

3. Mission statements for each county department and agency.

B. Customer Service.

1. A plan for implementing the reorganization and the steps to be taken to ensure that the reorganization has the least possible impact on the public and customer service. At a minimum, the plan shall contain:

a. A delineation of services and programs that are being eliminated, reduced or otherwise

modified;

b. The identification of steps to quickly and courteously direct customers to appropriate services impacted by this reorganization, including, but not limited to, automated telephone switching, refinements to the county world wide web page and transitional mail forwarding service;

c. A strategy for providing appropriate information to agencies and staff who will be required, as part of their usual and customary duties, to explain the reorganization to customers; and

d. Steps to meet with and inform those affected by the reorganization, including, but not limited to, county citizens, employees, the respective political parties, the league of women voters, the suburban cities association and other interested parties.

C. Natural Resource Lands

1. A report on implementation merger of the parks department and the department of natural resources regarding the management of parks and resource lands. At a minimum, the report shall include:

- a. An inventory of natural resource properties;
- b. A description of how these lands will be managed;
- c. Maintenance costs for lands managed by the department of natural resources and parks;
- d. Staffing levels for lands managed by the department of natural resources and parks; and
- e. Funding sources and uses for lands managed by the department of natural resources and parks.

SECTION 5. Post-Implementation Evaluation.

A. The county administrative officer shall conduct an evaluation and prepare a report on the reorganization. For these purposes “reorganization” means those changes in organizational structure or management and administrative FTE reductions, or both, resulting from the adoption of this ordinance. At a minimum, the evaluation process shall include:

1. The development, implementation and tracking of agency performance measures and customer service measures, including any benchmarks, to gauge the effectiveness of this reorganization;

2. The conduct of periodic, valid customer service surveys to determine impacts to public access and to public and customer satisfaction with county services;

3. Cost savings, cost avoidances, operating efficiencies and service improvements achieved and anticipated through reorganization, including an analysis of centralizing internal administrative functions;

4. Quantified progress made in achieving the performance measures identified in subsection 1 of this section; and

5. A crosswalk reconciling FTE staffing changes, including the impact on the use of overtime, temporary positions and term limited temporary positions.

B. A preliminary report outlining the information required in subsections A.3 and A.5 of this section shall be filed with the chair of the council and the clerk of the council by August 31, 2002 for consideration with the 2003 annual budget. A motion outlining the criteria that will be used to define the performance measures and customer service measures described in subsections A.1, A.2 and A.4 of this section shall be transmitted to the council by August 31, 2002 for council review and approval.

C. A final report of the results of the evaluation, including updates on the information provided in the preliminary report, shall be filed with the chair of the council, the clerk of the council and the county auditor by August 1, 2003.

SECTION 6. Postimplementation Audit. The county auditor shall incorporate in the auditor's office 2004 annual work program an assessment of the effectiveness of this reorganization of county government. The scope of the audit shall include, but not be limited to, a verification of cost savings, operational efficiencies and customer service impacts and a review of the performance measures reported by the county administrative officer in the post implementation evaluation.

SECTION 7. Ongoing Review. The reorganization of county government implemented by this ordinance is subject to ongoing review by the executive and council. Additional reorganization may be proposed based on customer service needs, newly identified efficiencies and future fiscal constraints.

SECTION 8. No Private Cause of Action. Nothing in this ordinance shall be construed to give rise to any private cause of action.

SECTION 9. Ordinance 11955, section 4, as amended, and K.C.C. 2.16.050, Ordinance 11955, section 8, as amended, and K.C.C. 2.16.075, Ordinance 11955, section 10, as amended, and K.C.C. 2.16.095, Ordinance 1965, section 1, as amended, and K.C.C. 2.16.160, Ordinance 1195, section 7, as amended, and K.C.C. 2.16.165, Ordinance 9024, sections 1 - 3 (part), and K.C.C. 10.20.010, Ordinance 9024, section 1 (part), and K.C.C. 10.20.020, Ordinance 9024, section 2, and K.C.C. 10.20.030, Ordinance 9024, sections 3 (part) and 5, and K.C.C. 10.20.040, Ordinance 9024, section 4, and K.C.C. 10.20.050, and Ordinance 11034, section 4, as amended, and K.C.C. 28.84.040 are each hereby repealed.

SECTION 10. Ordinance 5962, section 2, and K.C.C. 2.12.080 are hereby amended to read as follows:

Sale of copies of code. The ((general)) records, elections and licensing services division shall be permitted and authorized to sell copies of the King County code to subscribers other than county agencies/departments for a fee of one hundred fifty dollars plus an additional charge of ten cents per page for quarterly supplements.

NEW SECTION. SECTION 11. There is hereby added to K.C.C. chapter 2.16 a new section to read as follows:

Department of executive services. The department of executive services shall be managed by the county administrative officer. The department shall include the information and telecommunications services division, the records, elections and licensing division, the finance and business operations division, the human resources management division, the facilities management division, the administrative office of information resources management, the administrative office of risk management, the administrative office of emergency management and the administrative office of civil rights. In addition, the chief administrative officer shall be responsible for providing staff support for the board of ethics.

A. The duties of the information and telecommunications services division shall include the

following:

1. 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;

2. Managing the cable communications provisions set forth in K.C.C. chapter 6.27A;

3. Negotiating and administering cable television and telecommunication franchises pursuant to K.C.C. chapter 6.27;

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

5. Managing and operating the centralized printing and graphic arts services;

6. 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

7. 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.

B. The duties of the records, elections and licensing services division shall include the following:

1. Conducting all special and general elections held in the county and registering voters;

2. Issuing marriage, vehicle/vessel, taxicab and for-hire driver and vehicle and pet licenses, collecting license fee revenues and providing licensing services for the public;

3. Enforcing county and state laws relating to animal control;

4. Managing the recording, processing, filing, storing, retrieval, and certification of copies as required, of all public documents filed with the division;

5. Processing all real estate tax affidavits;

6. Acting as the official custodian of all county records, per general law, except as otherwise provided by ordinance; and

7. Managing the printing and distribution of the King County Code and supplements to the public.

C. The duties of the finance and business operations division shall include the following:

1. Monitoring revenue, expenditures for the county. The collection and reporting of revenue and expenditure data shall provide sufficient information to the executive and to the council. The division shall be ultimately responsible for maintaining the county's official revenue and expenditure data;

2. Performing the functions of the county treasurer;

3. Billing and collecting real and personal property taxes, local improvement district assessments and gambling taxes;

4. Processing transit revenue;

5. Receiving and investing all county and political subjurisdiction moneys;

6. Managing the issuance and payment of the county's debt instruments;

7. Managing the accounting systems and procedures;

8. Managing the fixed assets system and procedures;

9. Formulating and implementing financial policies for other than revenues and expenditures for the county and other applicable agencies;

10. Administering the accounts payable and accounts receivable functions;

11. Collecting fines and monetary penalties imposed by district courts;

12. Developing and administering procedures for the procurement of and awarding of contracts for tangible personal property, services, professional or technical services and public work in accordance with K.C.C. chapter 4.16 and applicable federal and state laws and regulations;

13. Establishing and administering procurement and contracting methods, and bid and proposal

processes, to obtain such procurements;

14. In consultation with the prosecuting attorney's office and office of risk management, developing and overseeing the use of standard procurement and contract documents for such procurements;

5. Administering contracts for goods and such services that are provided to more than one department;

16. Providing comment and assistance to departments on the development of specifications and scopes of work, in negotiations for such procurements, and in the administration of contracts;

17. Assisting departments to perform cost or price analyses for the procurement of such tangible personal property, services, and professional or technical services, and price analysis for public work procurements;

18. Developing, maintaining and revising as may be necessary from time to time the county's general terms and conditions for contracts for the procurement of tangible personal property, services, professional or technical services and public work;

19. Managing the payroll system and procedures; and

20. Managing and developing financial policies for borrowing of funds, financial systems and other financial operations for the county and other applicable agencies.

D. The duties of the human resources management division shall include the following:

1. Developing and administering training and organizational development programs, including centralized employee and supervisory training and other employee development programs;

2. Developing proposed and administer adopted policies and procedures for employment (recruitment, examination and selection), classification and compensation, and salary administration;

3. Developing proposed and administering adopted human resources policy;

4. Providing technical and human resources information services support;

5. Administering insured and noninsured benefits programs, including health care benefits,

leave programs, deferred compensation and other special benefits, such as dependent care assistance and wellness and work/family programs;

6. Developing and administering diversity management and employee relations programs, including affirmative action plan development and administration, management and supervisory diversity training and conflict resolution training;

7. Developing and administering workplace safety programs, including inspection of work sites and dissemination of safety information to employees to promote workplace safety;

8. Administering the county's self-funded industrial insurance/worker's compensation program, as authorized by Title 51 RCW;

9. Representing county agencies in the collective bargaining process as required by chapter 41.56 RCW;

10. Representing county agencies in labor arbitrations, appeals and hearings including those set forth chapter 41.56 RCW and required by K.C.C. Title 3;

11. Administering labor contracts and provide consultation to county agencies regarding the terms and implementation of negotiated labor agreements;

12. Advising the executive and council on overall county labor and employee policies;

13. Providing labor relations training for county agencies, executive, council and others;

14. Overseeing the county's unemployment compensation program; and

15. Developing and maintaining databases of information relevant to the collective bargaining process.

E. The duties of the facilities management division shall include the following:

1. Overseeing space planning for county agencies;

2. Administering and maintaining in good general condition the county's buildings except for those managed and maintained by the departments of natural resources and transportation;

3. Operating security programs for county facilities except as otherwise determined by the council;
4. Administering all county facility parking programs except for public transportation facility parking;
5. Administering the supported employment program;
6. Managing all real property owned or leased by the county, except as provided in K.C.C. chapter 4.56, ensuring, where applicable, that properties generate revenues closely approximating fair market value;
7. Maintaining a current inventory of all county owned or leased real property;
8. Functioning as the sole agent for the disposal of real properties deemed surplus to the needs of the county;
9. In accordance with K.C.C. chapter 4.04, providing support services to county agencies in the acquisition of real properties, except as otherwise specified by ordinance;
10. Issuing oversized vehicle permits, franchises and permits and easements for the use of county property except franchises for cable television and telecommunications;
11. Overseeing the development of capital projects for all county agencies except for specialized roads, solid waste, public transportation, airport, water pollution abatement, and surface water management projects;
12. Being responsible for all general projects, such as office buildings or warehouses, for any county department including, but not limited to, the following:
 - a. Administering professional services and construction contracts;
 - b. Acting as the county's representative during site master plan, design and construction activities;
 - c. Managing county funds and project budgets related to capital improvement projects;
 - d. Assisting county agencies in the acquisition of appropriate facility sites;
 - e. Formulating guidelines for the development of operational and capital improvement plans;
 - f. Assisting user agencies in the development of Capital Improvement and Project Program Plans, as defined and provided for in K.C.C. chapter 4.04;

- g. Formulating guidelines for the use of life cycle cost analysis and applying these guidelines in all appropriate phases of the capital process;
 - h. Ensuring the conformity of capital improvement plans with the adopted space plan and approved operational master plans;
 - i. Developing project cost estimates that are included in capital improvement plans, site master plans, capital projects and annual project budget requests;
 - j. Providing advisory services and/or feasibility studies to projects as required and for which there is budgetary authority;
 - k. Coordinating with user agencies to assure user program requirements are addressed through the capital development process as set forth in this chapter and in K.C.C. Title 4;
 - l. Providing engineering support on capital projects to user agencies as requested and for which there is budgetary authority; and
 - m. Providing assistance in developing the executive budget for capital improvement projects.
- F. The duties of the administrative office of risk management shall include the management of the county's insurance and risk management programs consistent with K.C.C. chapter 4.12.
- G. The duties of the administrative office of emergency management shall include the following:
- 1. Planning for and providing effective direction, control and coordinated response to emergencies;
 - 2. Being responsible for the emergency management functions defined in K.C.C. chapter 2.56; and
 - 3. Managing the E911 emergency telephone program.
- H. The duties of the administrative office of civil rights shall include the following:
- 1. Enforcing nondiscrimination ordinances as codified in K.C.C. chapters 12.17, 12.18, 12.20 and 12.22;
 - 2. Assisting departments in complying with the federal Americans with Disabilities Act of 1990, the federal Rehabilitation Act of 1973, Section 504, and other legislation and rules regarding access to county

programs, facilities and services for people with disabilities;

3. Serving as the county Americans with Disabilities Act coordinator relating to public access;
4. Providing staff support to the county civil rights commission;
5. Serving as the county federal Civil Rights Act Title VI coordinator; and
6. Coordinating county responses to federal Civil Rights Act Title VI issues and investigating

complaints filed under Title VI.

I. The duties of the administrative office of information resource management shall include the following:

1. Identifying and establishing short-range, mid-range and long-range objectives for information technology investments in the county;
2. Preparing and recommending for council approval a county information technology strategic plan and annually updating the plan;
3. Recommending business and technical information technology projects for funding as part of the county's strategic planning process;
4. Recommending technical standards for the purchase, implementation and operation of computing hardware, software and networks as part of the county's strategic planning process;
5. 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. Recommending information technology service delivery models for the information and telecommunications services division and the county's satellite information technology centers;
7. Establishing a standard process 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;

8. Establishing criteria for determining which information technology projects will be monitored centrally;
9. Monitoring project implementation when projects meet the established criteria;
10. Releasing the funding for each phase of those projects subject to central oversight based on successful reporting and completion of milestones;
11. Recommending budgetary changes in the funding of information technology projects to the executive and council, as appropriate;
12. Recommending project termination, as appropriate;
13. Conducting postimplementation information technology project review; and
14. Reporting annually on information technology performance to the executive and the council.

SECTION 12. Ordinance 11955, section 2, and K.C.C. 2.16.020 are hereby amended to read as follows:

Executive branch of county government - Policy regarding organizational structure.

A. ~~((ORGANIZATION.))~~The organization of the executive branch, as described in this section of the code, is intended to comply with Article 3 of the county charter. Accordingly, the executive branch shall consist of:

1. The county executive;
2. The ~~((deputy county executive who shall be that officer fulfilling the duties and responsibilities of the position identified in the charter as))~~county administrative officer;
3. Specific organizational units, classified “administrative offices” assigned to the ~~((deputy county executive))~~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~~((Executive departments shall be categorized as follows:))~~; and

~~((a. line departments, having the responsibility for the provision of specific governmental services to or for the residents of the county;))~~

~~((b. staff departments, having the responsibility for the provision of administrative services to or for the various agencies of county government;))~~

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. ~~((STRUCTURE.))~~County agencies referenced in this chapter, and county boards, commissions, committees and other multi-member 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. ~~((UNIT TITLES.))~~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 herein.

D. ~~((AUTHORITY TO ACT.))~~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; provided, that 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. ~~((GENERAL SUPPORT BY AND DUTIES OF EXECUTIVE DEPARTMENTS AND ADMINISTRATIVE OFFICES.))~~To ensure accountability, efficiency, internal control, and consistency, each executive department, ~~((and))~~administrative office and division may provide administrative and technical

support to functions and duties for which other executive departments, ~~((or))~~ administrative offices or divisions have primary responsibility. Such support shall be provided ~~((at the departmental level and))~~ in conjunction with the departments, offices or divisions that have primary responsibility for the functions and duties. Such support may include, but is not limited to, the following:

1. Human resources and payroll;
2. Budget preparation and submittal, and financial and fiscal management;
3. Information, communication, media and community relations, printing, graphics, mail, records management and public disclosure;
4. Facilities and leased space maintenance and management;
5. Program analysis, and contract and performance evaluation and review;
6. Information systems and technology development;
7. Grants management; and
8. Liaison with county and external auditors.

To assist ~~((the departments))~~ executive agencies to properly perform their assigned functions and duties, executive ~~((departments))~~ agencies may establish and maintain contacts with state and federal agencies that regulate or provide financial assistance to the programs for which the ~~((departments))~~ 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.

To ensure the county complies with applicable state and federal laws, regulations and requirements, ~~((departments))~~ executive agencies may undertake duties and functions as may be assigned by the executive and not assigned to another ~~((departments))~~ agency by the council.

F. ~~((CITIZEN ADVISORY COMMITTEES.))~~ Except as otherwise assigned by the council, all executive ~~((departments))~~ agencies shall provide support services to citizen advisory committees that are established by the council.

SECTION 13. Ordinance 12075, section 3, as amended, and K.C.C. 2.16.025 are hereby amended to read as follows:

County executive ((and deputy county executive)). The county executive ((and deputy county executive))shall manage and be fiscally accountable for the office of budget, the office of regional planning and policy((, the office of human resources management))and the office of cultural resources.

A. The office of budget functions and responsibilities shall include, but not be limited to:

1. Planning, preparing and managing, with emphasis on fiscal management and control aspects, the annual operating and capital improvement budgets;
2. Preparing forecasts of and monitor revenues;
3. Monitoring expenditures and work programs in accordance with Section 475 of the King County Charter;
4. Developing and preparing expenditure plans and ordinances to manage the implementation of the operating and capital improvement budgets throughout the fiscal year;
5. Developing and using performance indicators to monitor and evaluate the effectiveness and efficiency of county agencies;
6. Formulating and implementing financial policies regarding revenues and expenditures for the county and other applicable agencies;
7. Performing program analysis, and contract and performance evaluation review; and
8. Monitoring revenue, expenditures, work program and performance indicator data and reporting on such data to provide sufficient information to the executive and to the council.

B. The office of regional planning and policy functions and responsibilities shall include, but not be limited to:

1. Managing and coordinating the implementation by departments of Growth Management Act requirements;

2. Developing proposed policies to address strategic planning, regional planning, economic development and housing planning;

3. Developing and overseeing the county((-))wide program for implementation of the county's comprehensive plan including coordinating:

a. the implementation of plans which are developed by departments;

b. the collection and analysis of land development, population, housing, natural resource enhancement, and economic activity data to aid decision making and to support implementation of county plans and programs, including benchmarks; and

c. the preparation of interlocal agreements between ((and/or among)) any combination of the county, cities and providers of necessary urban services such as sewer and water as needed to address common planning issues;

4. Coordinating county and regional planning with public and private agencies;

5. Managing programs and developing projects that promote economic development, assist communities and businesses in creating economic opportunities, promote a diversified regional economy, promote job creation with the emphasis on family-wage jobs and improve county asset management;

6. Developing and managing housing programs and projects that implement Growth Management Act policies and have not been assigned to a department; 7. Providing assistance to other county departments to determine if real property or other assets may be managed for economic development purposes or administered in a manner that will provide revenue to the county;((-and))

8. Managing children and family programs and provide administrative support to the children and family commission((-));

9. Managing the boost, apprenticeship and business development programs including the following functions:

a. administering the discrimination and affirmative action in employment by contractors',

subcontractors' and vendors' policies under K.C.C. chapter 12.16;

b. administering the boost program for the use of small economically disadvantaged businesses on county contracts under K.C.C. chapter 4.19; and

c. administering the federal Americans with Disabilities Act of 1990 and federal Rehabilitation Act of 1973, Section 504, policies related to obligations of contractors with the county; and

10. Serving as the disadvantaged business enterprise liaison officer for federal Department of Transportation and other federal grant program purposes.

C. The executive may assign or delegate budgeting and strategic planning functions to employees in the office of the executive but shall not assign or delegate those functions to any departments.

~~((D. The administrative office of human resources management shall manage and be fiscally accountable for the personnel services division, the employee benefits and well-being division, and the labor relations division. The director of the office, with the concurrence of the deputy county executive, may assign and reassign functions within the office and divisions under the office.~~

~~1. Subject to assignment and reassignment by the director of the office, the functions of the personnel services division include:~~

~~a. developing proposed and administer adopted policies and procedures for employment (recruitment, examination and selection), classification and compensation, and salary administration;~~

~~b. developing proposed and administering adopted human resources policy;~~

~~c. providing technical and human resources information services support; and~~

~~d. developing and administering training and organizational development programs, including centralized employee and supervisory training and other employee development programs.~~

~~2. Subject to assignment and reassignment by the director of the office, the functions of the employee benefits and well-being division include:~~

~~a. administering insured and noninsured benefits programs, including health care benefits, leave~~

~~programs, deferred compensation and other special benefits, such as dependent care assistance and wellness and work/family programs;~~

~~b. develop and administer diversity management and employee relations programs, including affirmative action plan development and administration, management and supervisory diversity training and conflict resolution;~~

~~c. developing and administering workplace safety programs, including inspection of work sites and dissemination of safety information to employees to promote workplace safety; and~~

~~d. administering the county's self-funded industrial insurance/worker's compensation program, as authorized by Title 51, RCW.~~

~~3. Subject to assignment and reassignment by the director of the office, the functions of the labor relations division include:~~

~~a. representing county agencies in the collective bargaining process as required by chapter 41.56 RCW.~~

~~b. representing county agencies in labor arbitrations, appeals and hearings including those set forth chapter 41.56 RCW and required by K.C.C. Title 3;~~

~~c. administering labor contracts and provide consultation to county agencies regarding the terms and implementation of negotiated labor agreements;~~

~~d. advising the executive and council on overall county labor and employee policies;~~

~~e. providing labor relations training for county agencies, executive, council and others;~~

~~f. overseeing the county's unemployment compensation program; and~~

~~g. developing and maintaining databases of information relevant to the collective bargaining process.~~

))

((E))D. The ((administrative))office of cultural resources shall plan, manage and be responsible for administering the county cultural programs, including, but not limited to, arts, heritage and historic

preservation.

SECTION 14. Ordinance 11955, section 9, as amended, and K.C.C. 2.16.045 are hereby amended to read as follows:

Department of natural resources and parks - duties - divisions. A. The department is responsible to manage and be fiscally accountable for the waste water treatment division, water and land resources division, ~~((and))~~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 sections 201 and 208))~~of the federal Clean Water Act, federal Endangered Species Act, and other federal and state laws and regulations ~~((applicable))~~related to such requirements. The department shall perform the metropolitan water pollution abatement function (herein referred to 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 such function; provided, that 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 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, eco systems, water quality, ground water, fisheries and wildlife habitat, and other natural resource purposes. ~~((The department shall provide support services to the Commission for Marketing Recyclable Materials as established in K.C.C. 10.20.))~~The department will 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.

B. ~~((WASTE WATER TREATMENT DIVISION.))~~The duties of the waste water treatment division shall include the following:

1. Administering the functions and programs related to the operation, maintenance, construction, repair, replacement and improvement of the metropolitan sewerage system and the financing thereof;
2. Administering the county's sewage disposal agreements with cities and special districts;
3. ~~((Provide))~~Providing planning for the water quality capital program; ~~((provide))~~providing design, engineering and construction management services related to the water quality ~~((and surface water management))~~capital programs including new facilities development and maintenance of the existing infrastructure; and ~~((provide))~~providing support services such as project management, environmental review, permit and right-of-way acquisitions, scheduling and project control~~((:)); and~~

4. Regulating industrial discharges into the metropolitan sewerage system.

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. ~~((WATER AND LAND RESOURCES DIVISION.))~~The duties of the water and land resources division shall include the following:

1. ~~((Propose and/or update))~~ Proposing or updating, or both, and ((implement))implementing adopted policies, plans and programs relating to water and land resources, ~~((agriculture,))~~ open space ~~((forestry))~~ and other natural resources which protect fisheries, natural resources, water quality, ground water, and which solve and prevent drainage problems;
2. ~~((Respond))~~ Responding to major river floods ~~((and provide comprehensive solutions to local))~~ 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, ~~((maintain))~~ maintaining major river channels, and surface and storm drainage systems and lands ~~((as deemed necessary))~~ to minimize ~~((county liability from flooding))~~ flood hazards and protect fisheries resources, drainage systems and lands, and water quality;
4. ~~((Provide))~~ 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, ((and))analysis ((of data))and other activities to ~~((evaluate))~~ protect, enhance and evaluate the quality of land, habitat and water resources in the county;
- ~~((5. Review local utility district plans for conformance with King County plans and policies, and participate in the process of preparing coordinated water system plans to insure conformance with King County plans and policies;))~~
- ~~((6))~~ 5. ((Plan))Planning the surface water management capital program, ~~((including new facilities development and maintenance of the existing infrastructure))~~ 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;
- ~~((7))~~ 6. ((Prepare))Preparing standards for storm water management facilities that are constructed as

part of land development;

~~((8))~~7. ((Provide))Providing technical assistance and education to businesses and the general public to encourage environmental stewardship~~((and reclamation and reuse programs))~~;

~~((9))~~8. ((Implement))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;

~~((10. Develop, implement and coordinate agriculture and forestry support activities and economic development programs to enhance the continued economic viability of agriculture and forestry in the county;))~~

~~((11))~~9. ((Monitor and protect))Monitoring and protecting the county's real property and development rights interests acquired through the ~~((Farmlands Preservation Act,))~~ Conservation Futures and other open space and natural resource programs ensuring to the greatest extent practicable that subsequent county land use policies remain compatible with the acquired interests;

~~((12. Develop and implement policies, plans and programs relating to current use taxation of open space, agriculture and timberlands as provided in RCW 84.34 and K.C.C. 20.36; and))~~

~~((13))~~10. ((Prepare and implement))Preparing and implementing 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 determine appropriate means to execute such management plans~~((;))~~; and

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

12. 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.

D. ~~((SOLID WASTE DIVISION.))~~The duties of the solid waste division shall include the following:

1. ~~((Manage and operate))~~Managing and operating the county's comprehensive solid waste program on a self-supporting basis;
2. ~~((Administer))~~Administering the county's solid waste interlocal agreements with cities and towns;
3. ~~((Divert))~~Diverting as much material as possible from disposal in a manner which 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. ~~((Manage and be))~~Managing and being accountable for all transfer station operations and landfills, as well as the transportation of waste between county facilities;
5. ~~((Procure and maintain))~~Procuring and maintaining all capital and operating equipment specific to the solid waste function;
6. ~~((Provide))~~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. ~~((provide))~~Providing support services such as project management, environmental review, permit acquisitions, scheduling and project control; and
8. Actively ~~((pursue))~~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. Managing and being fiscally responsible for property management, maintenance, recreation and aquatics functions;
2. Operating and maintaining the county parks and trails systems, and maintaining the natural resource lands at the direction of the water and land resources division, using any work forces as appropriate;

3. Developing and maintaining an operational master plan and develop and monitor a capital improvement plan as defined in K.C.C. chapter 4.04;
4. Providing policy direction for the development of specific active park and recreation CIP master plans and projects with assistance from project managers in the facilities management division;
5. Coordinating with other departments and divisions as appropriate in the preparation of county environmental documents or responses to environmental documents from other governmental entities;
6. Coordinating with other departments and divisions as appropriate in the preparation of grant applications for park and open space acquisition;
7. Developing, managing and being responsible for recreational programs and services, including, but not limited to, interpretive programming, that promote appreciation and understanding of active county parks;
8. Developing, managing and being responsible for programs that promote the safe enjoyment of county-owned swimming pools and guarded swim beaches; and
9. Planning, organizing, scheduling and administering the annual King County Fair, off-season programs and use of the county fairgrounds with guidance from the King County Fair Board.

SECTION 15. Ordinance 11955, section 5, as amended, and K.C.C. 2.16.055 are hereby amended to read as follows:

Department of development and environmental services - duties - divisions. A. The department is responsible to manage and be fiscally accountable for the building services division, land use services division, and administrative services division. The director of the department shall be the county planning director, building official, fire marshal, zoning adjuster, and the responsible official for purposes of administering the State Environmental Policy Act, and may delegate those functions to qualified subordinates. The department shall be responsible for regulating the operation, maintenance and conduct of county licensed businesses, except taxicab and for-hire drivers and vehicles.

B. ~~((BUILDING SERVICES DIVISION.))~~The building services division shall be responsible for

ensuring consistent and efficient administration of environmental, building and land use codes and regulations for commercial and residential projects by means of permit review and approval, construction inspections and public information. The duties of the division shall include the following:

1. Permit center and public information;
2. Building plan and application review, including fire, fire-flow, building, mechanical, barrier-free, energy, security and other uniform code reviews;
3. Site review, including engineering and sensitive areas review of permit applications;
4. Inspections, including new-construction inspections for compliance with site, fire and building code requirements; and
5. Pursue and resolve code violations, including preparing for administrative or legal actions, evaluating the division's success in obtaining compliance with King County rules and regulations and designing measures to improve compliance.

C. (~~(LAND USE SERVICES DIVISION.)~~)The land use services division shall be responsible for the effective processing and timely review of land development proposals, including zoning variance and reclassification, master drainage plans, variances from the surface water design manual and the King County road standards, sensitive area, subdivision, right-of-way use, urban planned development, clearing and grading, shoreline, special use and conditional use applications. The duties of the division shall include the following:

1. Permit center and public information;
2. Plan review, including the review of applications for compliance with shorelines, sensitive areas, subdivision and other zoning regulations, road standards and variances from the surface water design manual, as well as community plans and utility comprehensive plans;
3. Engineering review and inspection, including the review of clearing and grading applications and review of engineering plans for compliance with adopted road and drainage standards and specifications;

4. Development inspection, including inspection of construction activity to ensure compliance with approved plans and codes;
5. Develop and assist in implementing local and subarea specific plans for urban and rural areas, consistent with the comprehensive plan;
6. Develop proposed policies to address long-range comprehensive land use planning and analyze and provide proposed updates to the comprehensive plan on an annual basis;
7. Develop proposed county plans, programs and policies and implement regulations on environmental issues, including environmentally sensitive areas and mineral resources; and serve as the contact for cities and agencies, providing appropriate research in support of county initiatives on these issues;
8. Administer the State Environmental Policy Act and act as lead agency, including making the threshold determinations, determining the amount of environmental impact and reasonable mitigation measures, and coordinating with other departments and divisions in the preparation of county environmental documents or in response to environmental documents from other agencies; and
9. Monitor the cumulative effects of the county's comprehensive plan and other plans, policies and laws intended to protect natural and community resources while permitting development and growth, and providing periodic status reports to the executive and council.

D. (~~ADMINISTRATIVE SERVICES DIVISION.~~))The administrative services division shall provide support services throughout the department, including personnel and payroll support, budget support, financial services, information services, facilities management and support, and records management and program analysis services.

SECTION 16. Ordinance 14005, section 3, and K.C.C. 2.16.0755 are hereby amended to read as follows:

Office of information resource management - chief information officer. The office of information resource management shall be directed by a chief information officer (CIO). The CIO shall be appointed by the

executive and confirmed by the council. The CIO shall report to the county executive and advise all branches of county government on technology issues. The CIO shall report to the county administrative officer on administrative and management matters. The CIO shall provide vision and coordination in technology management and investment across the county. The CIO shall attend regularly executive cabinet meetings as a non-voting member and advisor on technology implications of policy decisions. The CIO shall meet regularly with business managers for the assessor, council, prosecutor, superior court, district court and sheriff to advise on technology implications of policy decisions. The CIO shall advise all county elected officials, departments and divisions on technology planning and project implementation. The duties of the CIO also shall include the following:

- A. Overseeing the information technology strategic planning office and production of a county information technology strategic plan;
- B. Overseeing the central information technology project management office and monitoring of approved technology projects;
- C. Recommending business and technical information technology projects for funding;
- D. Recommending technical standards for the purchase, implementation and operation of computer hardware, software and networks;
- E. Recommending countywide policies and standards for privacy, security and protection of data integrity in technology infrastructure, electronic commerce and technology vendor relationships;
- F. Recommending information technology service delivery models for the information and telecommunications services division and the county's satellite information technology centers;
- G. Managing the internal service fund of the office of information resource management; and
- H. Providing annual performance review to the executive and council.

SECTION 17. Ordinance 13263, section 42, and K.C.C. 2.16.097 are hereby amended to read as follows:

Civil fines and civil penalties - write offs. A. Receivable civil fines, civil penalties and abatement costs assessed pursuant to Title 23 may be written off by the director of the department of development and environmental services, with the concurrence of the ~~((director of the department of finance (as defined in K.C.C. chapter 2.16)))~~ county administrative officer, under the following circumstances:

1. When the costs of the effort to collect the civil fine or penalty exceeds the recoupable fines and penalties, or
2. When the civil fine, penalty or abatement cost is determined to be uncollectable in the foreseeable future.

B. The director shall document the circumstances under which a decision was made to write off a civil fine, penalty or abatement cost.

SECTION 18. Ordinance 11955, section 12, and K.C.C. 2.16.100 are hereby amended to read as follows:

Career service exemptions. A. Exemptions from the requirements of the career service personnel system shall be consistent with the provisions of Section 550, and Sections 350.10 and 350.20 of the King County Charter. Key subordinate units, as determined by the county council, and departmental divisions shall be considered to be executive departments; and divisions of administrative offices shall be considered to be administrative offices for the purpose of determining the applicability of the charter provisions.

B. Accordingly, the county administrative officer, directors, chief officers, managers and supervisors of departments, administrative offices, divisions, key subordinate units as determined by the county council, and other units of government as required by law, shall be exempt from the requirements and provisions of the career service personnel system.

C. ~~((In this regard, t))~~ The following are determined by the council to be key subordinate units due to the nature of the programs involved and their public policy implications, and appointments thereto shall be subject to confirmation by the council:

1. The manager((s)) of the ~~((following))~~public defense division((s)); and

~~((a. public defense division; and))~~

~~((b. minority/women's business enterprises and contract compliance division.))~~

2. The chief information officer of the administrative office of information resource management.

~~((2. County project coordinators or managers of the following limited term county projects:~~

~~a. Harborview medical center 1987 and prior year bond project.~~

~~b. phase one regional justice center project.~~

~~c. open space bond acquisition project.))~~

D. In addition, if the following positions are authorized within executive departments or administrative offices, an administrative assistant and a confidential secretary for each director, division manager, chief officer of an administrative office and supervisor of a key subordinate unit as determined by the county council shall be exempt from the requirements and provisions of the career service personnel system.

SECTION 19. Ordinance 11955, section 13, as amended, and K.C.C. 2.16.110 are hereby amended to read as follows:

Appointment and confirmation of exempt officials. A. The county executive shall appoint the ~~((deputy county executive))~~county administrative officer and the director of each executive department, except the departments of assessment, public safety and judicial administration. The county executive shall also appoint the manager of the youth detention facility through a competitive search process that includes participation by the superior court judges.

B. The ~~((deputy county executive))~~county administrative officer shall appoint the division managers and chief officers of each administrative office in the department of executive services, except the chief information officer.

C. The director of each executive department, at the discretion of the county executive, shall appoint exempt employees of his or her department as provided in Section 550 of the King County Charter.

D. 1. All appointments by the county executive shall be subject to confirmation by a majority of the county council except exempt personnel assigned to his or her personal staff.

2. All appointments to positions of division manager or chief officer of an administrative office not made by the county executive shall be subject to approval by the county executive.

E. 1. All individuals appointed by the county executive, under Section 340.40 of the King County Charter, shall serve in an acting capacity, unless confirmed by the council. The executive is authorized to appoint a person to serve in an acting capacity to fill a position requiring council confirmation for a period of no greater than one hundred fifty days. The executive shall notify the council within ninety days concerning the status of his or her search for qualified candidates for appointment to the vacant position. Thereafter, the individual may continue serving in an acting capacity for successive sixty-day periods only with approval by motion of the county council. The council shall grant at least one successive sixty-day extension if the executive certifies to the council's satisfaction that the executive is actively pursuing a search for qualified candidates for appointment to the vacant position. If no appointment is transmitted to the council for confirmation during the authorized period, the position shall be considered vacant for purposes of exercise of any authority given to the position pursuant to ordinance and no salary shall be paid for the position while it is so vacant.

2. Within seven calendar days of any executive appointment that is subject to council confirmation, the executive shall deliver written notice of said appointment to the council accompanied by a proposed motion confirming the ~~((individual))~~ appointment.

3. Upon the receipt of the notification by the executive of an appointment, accompanied by the proposed motion, the council shall act to consider confirmation of the appointment within ninety days. Approval of the introduced motion by a majority of the council shall constitute confirmation of the appointee. Once confirmed, the appointee is no longer serving in an acting capacity.

4. In considering the confirmation of executive appointments to offices of management level

responsibility, the council shall base its review on the ability of the appointee to meet the following criteria:

- a. a demonstrated reputation for integrity and professionalism((:));
- b. a commitment to and knowledge of the responsibilities of the office((:));
- c. a history of demonstrated leadership, experience and administrative ability((:));
- d. the ability to work effectively with the executive, the council, other management, public agencies, private organizations and citizens((:)); and
- e. a demonstrated sensitivity to and knowledge of the particular needs and problems of minorities and women.

5. The appointee, prior to review of the appointment by the council, shall submit to the chair of the council:

- a. a full and complete resume of ((his/her))his or her employment history, to include references attesting to the stated employment experiences((:)); and
- b. a signed statement acknowledging that the council's confirmation process may require the submittal of additional information relating to the background and expertise of the appointee.

6. Upon receipt of an executive appointment, the chair or his or her delegate, subject to the council's rules of procedure, shall notify council members of the appointment and attempt to allow a minimum of one work week for individual members to submit written questions to the reviewing committee.

It is understood that written inquiries submitted to the reviewing committee, by individual council members, may require a written response from the appointee or the executive, in matters pertaining to the process of appointment and other pertinent employment policies of King County.

SECTION 20. Ordinance 11955, section 11, as amended, and K.C.C. 2.16.140 are hereby amended to read as follows:

Department of transportation - duties - divisions. A. The department of transportation is responsible to manage and be fiscally accountable for the road services division, transit division₁ ((and))fleet

administration division and airport division. The department shall perform the metropolitan public transportation function as authorized in chapter 35.58 RCW, K.C.C. Title 28 and other applicable laws, regulations and ordinances; provided, that financial planning for and administration of the public transportation function shall be conducted consistent with financial policies as may be adopted by the council. The department shall administer the county roads function as authorized in applicable sections of Titles 36 and 47 RCW and other laws, regulations and ordinances as may apply. The department's functions include, but are not limited to, the activities set forth in subsections B through ~~((D))~~E of this section for each division, administration of grants and the coordination of transportation planning activities with other county agencies and outside entities to integrate transportation planning and land use planning.

B. The road services division is responsible to design, construct, maintain and operate a comprehensive system of roadways and other transportation facilities and services to support a variety of transportation modes for the safe and efficient movement of people and goods and delivery of services. The duties of the division shall include the following:

1. Designing, constructing and maintaining county roads, bridges and associated drainage facilities;
2. Designing, installing and maintaining county traffic signs, markings and signals;
3. Designing, installing and maintaining bicycle and pedestrian facilities;
4. Managing intergovernmental contracts or agreements for services related to road maintenance and construction and to other transportation programs supporting the transportation plan;
5. Inspecting utilities during construction and upon completion for compliance with standards and specifications; assuring that public facilities disturbed due to construction are restored;
6. Performing detailed project development of roads capital improvement projects that are consistent with the transportation element of the county's Comprehensive Plan, and coordinating such programming with other county departments and divisions assigned responsibilities for Comprehensive Plan implementation;
7. Incorporating into the roads capital improvement program those projects identified in the

transportation needs report, community plans, related functional plans and elsewhere consistent with the county's Comprehensive Plan;

8. Preparing, maintaining and administering the county road standards;

9. Preparing and administering multi-year roads maintenance and capital construction plans and periodic updates; and

10. Administering the transportation concurrency and mitigation payment programs.

C. 1. The transit division is responsible for the operation and maintenance of a comprehensive system of public transportation services in King County. The duties of the division shall include the following:

a. providing all necessary customer services including telephone and other customer information and support systems; managing sales and distribution of fare media, research, market strategies and marketing functions;

b. implementing programs, policies and strategies for the public transit in King County; developing and scheduling new products and service and managing contract services;

c. developing and implementing transportation programs under the Americans with Disabilities Act of 1990 (ADA) including preparing policy recommendations and service models and contracting for the delivery of service;

d. delivering and managing transit service in the county including service quality and service communication functions;

e. managing and maintaining the transit system infrastructure, including trolley power distribution and overhead systems, bases, customer facilities, and the radio communication and data system;

f. maintaining transit rolling stock including all revenue vehicle fleets and those vehicles required to support the operation of the transit system, except such vehicles as may be included in the motor pool; managing a central stores function, unit repair facilities and all purchasing activities relative to the procurement of the revenue vehicle fleet;

g. managing the design, engineering and construction management functions related to the transit capital program including new facilities development and maintenance of existing infrastructure; providing support services such as project management, environmental review, permit and right-of-way acquisitions, schedule and project control functions;

h. managing rideshare operations functions including vanpool, carpool, and regional ride matching programs; and

i. preparing and administering public transportation service and supporting capital facility plans and periodic updates.

2. The council may assign responsibility for services ancillary to and in support of the operation and maintenance of the metropolitan public transportation 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.

D. The duties of the fleet administration division shall include the following:

1. Acquiring, maintaining and managing the motor pool and equipment revolving fund for fleet vehicles and equipment including, but not limited to, vehicles for the ~~((departments of parks and cultural resources, natural resources, construction and facilities))~~ department of natural resources and parks, facilities management division, and transportation ~~((non-revenue))~~ nonrevenue vehicles. Transportation department vehicles determined by the director to be intricately involved in or related to providing public transportation services shall not be part of the motor pool;

2. Establishing rates for the rental of equipment and vehicles;

3. Establishing terms and charges for the sale of any material or supplies which have been purchased, maintained or manufactured with money from the equipment revolving fund;

4. Managing training programs, stores function and vehicle repair facilities; ~~((and))~~

5. Administering the county alternative fuel program and take-home assignment of county vehicles

policy((-)); and

6. Inventorying, monitoring losses and disposing of county personal property in accordance with K.C.C. chapter 4.56.

E. The airport division is responsible for managing the maintenance and operations of the King County international airport. The duties of the division shall include the following:

1. Developing and implementing airport programs under state and federal law including preparing policy recommendations and service models;

2. Managing and maintaining the airport system infrastructure;

3. Managing, or securing services from other divisions, departments or entities to perform, the design, engineering and construction management functions related to the airport capital program including new facilities development and maintenance of existing infrastructure; providing support services such as project management, environmental review, permit and right-of-way acquisitions, schedule and project control functions; and

4. Preparing and administering airport service and supporting capital facility plans and periodic updates.

SECTION 21. Ordinance 12341, section 1, and K.C.C. 2.16.250 are hereby amended to read as follows:

Continuation of authorizations and duties, and changes to names of departments, divisions, offices, and director and manager positions in the King County Code. ((A-)) From time to time, the council establishes, abolishes, combines or divides administrative offices, ((and))executive departments and divisions. The King County Code is not always timely updated to reflect these changes in organization. Except as specifically provided in the ordinances effecting such organizational changes to departments, ((and))offices and divisions, the authorizations and duties assigned to the previous departments, ((and))offices and divisions,

and associated officials, shall continue to be exercised and performed by appropriate departments, ~~((and~~
~~))~~offices and divisions, and the associated officials, in the current executive branch organization.

~~((B. The names of executive departments and administrative offices, and associated director and manager positions, are used throughout the King County Code. To the extent the names of departments and offices, and associated officials, are affected by organizational changes in the executive branch, it may be necessary to revise provisions of the King County Code. Accordingly, in consultation with the executive, the clerk of the council shall identify each department, office, official's name in the King County Code that is not accurate with respect to the current executive branch organization and determine the appropriate name based on the assignment of authorizations and duties within the executive branch. In the event the clerk is unable to determine the appropriate name for a particular authorization or duty, she/he shall report the circumstances to the chair of the council. The chair of the council shall either make the determination or seek a determination from the council. Such determination shall be followed by the clerk in revising the King County Code. The clerk is authorized to make name changes in the King County Code to accurately reflect the assignment of authorization and duties within the executive branch. The clerk shall issue revisions to the King County Code consistent with the provisions of this section.))~~

SECTION 22. Ordinance 13623, section 1, and K.C.C. 2.36.055 are hereby amended to read as follows:

King County emergency management committee. A. The King County emergency management advisory committee is hereby established. The committee shall act in an advisory capacity to the county executive, council and emergency management division on emergency management matters and facilitate the coordination of regional emergency planning in King County.

B. The committee shall be composed of members who represent the following emergency management interests, with each interest having one member except for the Suburban Cities Association, which may have three members:

1. The Central Region Emergency Medical Services and Trauma Care Council;
2. Cities with populations larger than one hundred thousand;
3. Electric and gas utilities;
4. The financial community;
5. The King County Fire Chiefs Association;
6. The King County Fire Commissioners Association;
7. The King County Police Chiefs Association;
8. Local emergency planning committees;
9. The Port of Seattle;
10. Private industry;
11. The Puget Sound Educational Service District;
12. The Seattle/King County Chapter of the American Red Cross;
13. Water-sewer districts;
14. The Suburban Cities Association;
15. The Washington Association of Building Officials;
16. The King County ((~~deputy~~))executive or his or her designee;
17. The King County department of natural resources; and
18. The King County department of transportation road services and transit divisions.

C. The scope and charge of the committee is to:

1. Advise King County on emergency management issues and facilitate coordination of regional emergency planning in King County;
2. Assist King County in the development of programs and policies concerning emergency management; and
3. Review and comment on proposed emergency management rules, policies or ordinances before the

adoption of the rules, policies or ordinances.

D. 1. The county executive shall appoint regular members of the committee, subject to confirmation by county council motion.

2. Individuals serving as members of the committee shall be the chair of the association or designee if an association or agency is named as a member. This includes the Suburban Cities Association, which shall designate the individuals to serve as its representative members.

3. Individuals serving the committee from industry groups shall be recruited with the assistance of the industry.

4. A member of the committee shall serve a term of three years or until the member's successor is appointed and confirmed as provided in this section. The terms of office shall be staggered consistent with K.C.C. chapter 2.28.

5. Memberships are not limited as to numbers of terms, but members shall participate in a reappointment process every three years. Reappointment is subject to confirmation by county council.

6. A vacancy shall be filled for the remainder of the term of the vacant position in the manner described in the initial appointment.

E. 1. The committee shall elect a committee member as chair by a majority vote of committee members. The term of the chair is one year.

2. The committee shall adopt appropriate bylaws, including quorum requirements.

F. The emergency management division shall provide ongoing administrative support to the committee.

G. Members of the committee shall serve without compensation.

SECTION 23. Ordinance 11417, section 6, and K.C.C. 2.40.040 are hereby amended to read as follows:

Duties. The commission shall advise the council and executive on agricultural policies and programs, including, but not limited to:

- A. Existing and proposed legislation and regulations affecting commercial agriculture;
- B. Land use issues as they impact agriculture;~~((and,))~~
- C. Ways to maintain, enhance and promote agriculture and agricultural products in the region~~((:))~~; and
- D. Livestock regulation implementation and monitoring duties set forth in K.C.C. chapter 21A.30.

SECTION 24. Ordinance 12075, section 12, and K.C.C. 2.40.050 are hereby amended to read as follows:

Staffing and rules of procedures. In recognition of the duties described in K.C.C. 2.40.040, the director~~((s))~~ of the department~~((s))~~ of natural resources and parks~~((and cultural resources, development and environmental services and community and human services))~~ shall be responsible for the staffing and operation of the commission. The commission shall elect officers and shall adopt such administrative procedures as are required to accomplish the purposes of this section.

SECTION 25. Ordinance 12014, section 2, and K.C.C. 3.04.017 are hereby amended to read as follows:

Definitions. All words shall have their ordinary and usual meanings except those defined in this section which shall have, in addition, the following meanings. In the event of conflict, the specific definitions set forth in this section shall presumptively, but not conclusively, prevail.

A. "Accomplice" means a person who with knowledge that an action will promote or facilitate the commission of a crime or violation of an ordinance:

- 1. Solicits, commands, encourages, or requests another person to commit it; or
- 2. Aids or agrees to aid such other person in planning or committing it.

B. "Compensation" means anything of economic value, however designated, which is paid, granted or transferred, or is to be paid, granted or transferred for, or in consideration of, personal services to any person.

C. "County action" means any action on the part of the county, including, but not limited to:

- 1. Any decision, determination, finding, ruling or order; and

2. Any grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or the failure to act with respect thereto. "County action" shall not include actions of the county's judicial branch but shall include employees of the department of judicial administration.

D. "County employee" or "employee" means any individual who is appointed as an employee by the appointing authority of a county agency, office, department, council, board, commission or other separate unit or division of county government, however designated, but does not include employees of the county's judicial branch. The term "county employee" also includes county elected officials and members of county boards, commissions, committees, or other multi-member bodies, but does not include officials or employees of the county's judicial branch but does include employees of the department of judicial administration.

E. "Department" means:

1. In the executive branch, an executive department or administrative office which reports to the executive or the ~~((deputy county executive))~~county administrative officer, as applicable;
2. The department of assessments;
3. The office of the prosecuting attorney;
4. In the legislative branch, the council together with any subordinate legislative branch agency;
5. The department of judicial administration~~(())~~; and
6. The department of public safety.

F. "Doing business with the county" or "transactions with the county" means to participate in any proceeding, application, submission, request for ruling or other determination, contract, claim, case, or other such particular matter which the county employee or former county employee in question believes, or has reason to believe:

1. Is, or will be, the subject of county action; or
2. Is one to which the county is or will be a party; or
3. Is one in which the county has a direct and substantial proprietary interest.

G. "Gift" means anything of economic value, but shall not include campaign contributions regulated by the provisions of ((C))chapter 42.17 RCW, the charter and ordinances implementing them, informational materials exclusively for official or office use, memorials, trophies, and plaques of no commercial value, gifts of \$20.00 or less for bona fide, non-recurring, ceremonial occasions or any gifts which are not used and which within thirty days after receipt are returned to the donor, or donated to a charitable organization without seeking a tax deduction.

H. "Immediate family" means a county employee's spouse, domestic partner, employee's child or the child of an employee's domestic partner, and other dependent relatives if living in his or her household.

I. "Ombudsman" means the director of the office of citizen complaints established pursuant to Section 260 of the charter and K.C.C. chapter 2.52, or his or her designee.

J. "Participate" means, in connection with a transaction involving the county, to be involved in a county action personally and substantially as a county employee either directly, or through others through approval, disapproval, decision, recommendation, the rendering of advice, investigation, or otherwise.

K. "Person" means any individual, partnership, association, corporation, firm, institution, or other entity, whether or not operated for profit. The term does not include governmental units of the State of Washington or the United States unless so specified.

L. "Respondent" means the person against whom a complaint is filed or an investigation is conducted.

M. "Retaliatory action" means any action by a supervisor or other employee which is intended to embarrass or to harass any person as a result of such person having filed a written complaint with the office of citizen complaints or having raised privately or publicly any concern or question regarding an actual or apparent violation of the provisions of this chapter.

N. "Thing of value" means anything of tangible worth which is not compensation or a gift.

SECTION 26. Ordinance 12014, section 3, and K.C.C. 3.04.030 are hereby amended to read as follows:

Conflict of interest. No county employee shall engage in any act which is in conflict with the performance of official duties. A county employee shall be deemed to have a conflict of interest if the employee directly or indirectly:

A. Receives or has any financial interest in any purchase, sale or lease to or by the county of any service or property when such financial interest was received or obtained with the prior knowledge that the county intended to purchase, sell or lease such property or service;

B. Is beneficially interested, directly or indirectly, in any contract, sale, lease, option or purchase that may be made by, through, or under the supervision of the employee, in whole or in part, or accepts, directly or indirectly, any compensation, gift or thing of value from any other person beneficially interested therein;

C. Accepts or seeks for others, directly or indirectly, any employment, travel expense, service, information, compensation, gift or thing of value on more favorable terms than those granted to other county employees or the public generally, from any person, doing business, or seeking to do business with the county for which the employee has responsibility or with regard to which he or she may participate, provided that this subsection shall not apply to the receipt by elected officials, or by employees who are supervised directly by an elected official, of meals, refreshments or transportation within the boundaries of the county when given in connection with meetings with constituents or meetings which are informational or ceremonial in nature;

D. Accepts, directly or indirectly, any gift, favor, loan, retainer, entertainment, travel expense, compensation or other thing of value from any person doing business or seeking to do business with the county when such acceptance may conflict with the performance of the employee's official duties.

A conflict shall be deemed to exist where a reasonable and prudent person would believe that the gift, compensation, thing of value, or more favorable terms, was given for the purpose of obtaining special consideration or to influence county action.

The financing of the conduct of county election campaigns shall continue to be governed by the provisions of ((RCW))chapter 42.17 RCW and the provisions of the charter and ordinances;

E. Participates in, influences, or attempts to influence, directly or indirectly, the selection of, or the conduct of business or a transaction with a person doing or seeking to do business with the county if the employee has a financial interest in or with said person;

F. Discusses or accepts an offer of future employment with any person doing or seeking to do business with the county if either:

1. The employee knows or has reason to believe that the offer of employment was or is intended, in whole or in part, directly or indirectly, as compensation or reward for the performance or nonperformance of a duty by the employee during the course of county employment or to influence county action pertaining to the business, or

2. The employee has responsibility for a matter upon which the person is doing or seeking to do business with the county unless the employee has first disclosed in writing to his or her appointing authority that the employee intends to discuss future employment with a specific person and the appointing authority has designated, in a memorandum filed with the ombudsman and the clerk of the council, a method of providing for an alternative decisionmaker with regard to matters involving such person for which the employee otherwise would have responsibility;

G. Within one year of entering county employment awards a county contract or participates in a county action benefiting a person that formerly employed him or her provided, that participation other than contract award may be authorized in a memorandum by the appointing authority following written disclosure by the affected employee and that such authorization shall be filed with the ombudsman and the clerk of the council;

H. Is an employee, agent, officer, partner, director or consultant of any person doing or seeking to do business with the county, unless such relationship has been disclosed as provided by this chapter;

I. Engages in or accepts compensation, employment or renders services for any person or a governmental entity other than the county when such employment or service is incompatible with the proper discharge of official duties or would impair independence of judgment or action in the performance of official

duties. In addition, the following employees must obtain the prior written consent of their highest ranking supervisor authorizing either new or continued employment, or the acceptance of any compensation or any thing of value for services performed outside King County government:

1. The ~~((deputy county executive))~~county administrative officer, the chief officer of each executive department or administrative office as defined by the provisions of the charter, the manager of each division of such department or office, and all persons who report directly to such individuals;
2. All non-elected council employees, provided that the personal staff of each individual councilmember shall obtain such consent from such councilmember;
3. All non-elected employees of the prosecuting attorney;
4. All non-elected employees of the department of judicial administration;
5. All non-elected employees of the department of assessments.

If such employment or service is deemed by the highest-ranking supervisor to pose a conflict of interest, the employee immediately shall divest such employment and failure to do so shall be grounds for dismissal;

J. Enters into a business relationship outside county government with any other employee for whom he or she has any supervisory responsibility;

K. Enters into a business relationship outside county government with any person with regard to a matter for which the employee has responsibility as a county employee;

L. Appears on behalf of a person before any regulatory governmental agency, or represents a person in any action or proceeding against the interest of the county in any litigation to which the county is a party, unless the employee has a personal interest in the litigation and this personal interest has been disclosed to the regulatory governmental agency or adjudicating individual or body. A county council member may appear before regulatory governmental agencies on behalf of constituents in the course of his or her duties as a representative of the electorate or in the performance of public or civic obligations; however, no official or employee shall accept a retainer or compensation, or any gift or thing of value that is contingent upon a specific

action by a county agency;

M. Directly or indirectly possesses a substantial or controlling interest in any person which does or seeks to do business with the county, without disclosing such interest as provided by this chapter. A substantial interest is an interest that exceeds one-tenth of one percent of the outstanding securities of the person; or, if the interest is in an unincorporated business concern, exceeds one percent of the net worth of such concern; or the financial interest of a person exceeds five percent of the net worth of the employee and his or her immediate family;

N. As a county council member has a financial or other private interest in any legislation or other matter coming before the council, and fails to disclose such an interest on the records of the county council. This provision shall not apply if the county council member disqualifies himself or herself from voting by stating the nature and extent of such interest. Any other employee who has a financial or other private interest, and who participates in an action or proposed action of the county council and fails to disclose on the records of the county council the nature and extent of such interest, shall be deemed in violation of this chapter;

O. Has an interest in any property being considered for revaluation by the county board of appeals and equalization or has a personal interest or connection with another person's petition for revaluation while:

1. An elected county official,

~~((2. Deputy county executive and his/her confidential secretary,))~~

~~((3))~~2. The executive's administrative assistants and office manager,

~~((4))~~3. County councilmembers' executive secretaries,

~~((5))~~4. County administrative officer, ~~((his/her))~~his or her administrative assistants and ~~((his/her))~~his or her confidential secretary,

~~((6))~~5. Chief officer of each executive department, ~~((his/her))~~his or her administrative assistants, and ~~((his/her))~~his or her confidential secretary,

~~((7))~~6. Chief officer of each administrative office, ~~((his/her))~~his or her administrative assistants, and ((

~~his/her~~) his or her confidential secretary,

((8))7. Council administrator, ((~~his/her~~)) his or her administrative assistants, and ((~~his/her~~)) his or her secretary,

((9))8. The ombudsman and ((~~his/her~~)) his or her staff,

((10))9. All employees of the department of assessments,

((11))10. All employees assigned to the board of equalization and/or the board of appeals,

((12))11. Any other county employee who has direct contact with the board of appeals and equalization in the carrying out of his or her duties,((~~and~~))

((13))12. Member of the county board of appeals and/or board of equalization, and

((14))13. Clerk of the council((~~, his/her~~)) and his or her secretaries;

All persons listed in 1. through 13. of this subsection((~~s 1-14 above~~)) O, who wish to appeal to the county board of equalization on a matter of property revaluation shall be governed by the procedure set forth in K.C.C. 3.04.040;

P. As an appointive member of a board or commission, has a close relative serving on the same board or commission. For the purposes of this subsection, close relative is defined as:

Husband	Wife
Father	Father-in-law
Mother	Mother-in-law
Brother	Brother-in-law
Sister	Sister-in-law
Son-in-law	Daughter-in-law
Niece	Nephew
Grandparent	Grandchild
Uncle	Aunt
Child	Child of domestic partner
Domestic partner	

In addition, the relatives of a domestic partner shall be considered close relatives to the same extent such relatives would be included in this ((~~paragraph~~)) subsection if the employee and the domestic partner were

married.

Q. Discloses or uses for the personal benefit of the employee or his or her immediate family any information acquired in the course of official duties which is not available as a matter of public knowledge or public record;

R. Acts as an accomplice in any act by an immediate family member which, if such act were performed by the employee would be prohibited by ~~((the provisions of paragraphs))~~ subsection A, B, C, D, E, F, G, H, J, K, M, N, O or Q of this section; provided, however, that it shall not be a conflict of interest for such family member to enter into a bona-fide contract of employment which is not intended to influence the action of the county employee;

S. ~~((The provisions of paragraphs))~~ Subsection B, E~~((;))~~ and N of this section are not violated by the possession by an employee of a financial interest in a person or other entity which is not a substantial interest as defined by ~~((paragraph))~~ subsection M of this section.

SECTION 27. Ordinance 1308, section 6, as amended, and K.C.C. 3.04.050 are hereby amended to read as follows:

Statement of financial and other interests. A. All candidates for county elective office, except for judicial candidates, and nominees for appointment to county boards and commissions, within two weeks of becoming a candidate or nominee, and all elected officials who are defined as county employees under K.C.C. 3.04.017, paid in whole or in part by county funds shall file with the division of records and elections a code of ethics statement of financial and other interests as defined in this section. These requirements may be satisfied by filing with the division of records and elections a copy of the report required to be filed by RCW 42.17.240, if this report contains an original signature of the person filing the report. The division of records and elections shall forward a copy of such statements, reports and forms to the board of ethics within 10 days of their receipt.

B. Within ten days of employment or appointment and on or before April 15 of each year thereafter, the following employees shall file a written statement of financial and other interests, as defined in this section,

with the board of ethics: all employees appointed by the county executive; all employees appointed by the ((~~deputy county executive~~))county administrative officer or department directors and who are subject to the approval of the county executive; all employees of the council; and such additional employees as may be determined in accordance with criteria adopted by the board of ethics under subsection C of this section.

C. The board of ethics shall adopt by rule criteria for determining which employees, in addition to those designated in subsection B of this section, are required to complete and file statements of financial and other interests. The criteria must consider the association between the duties and responsibilities of employees and the conflict of interest provisions in K.C.C. 3.04.030.

D. The statement of financial and other interests required to be filed under this section must include the following information of which the employee has, or reasonably should have, knowledge for the reporting year:

1. Compensation, gifts and things of value:

a. the name of each person engaged in a transaction, as defined by K.C.C. 3.04.017F, with King County in which the employee may participate or has responsibility for, from whom the employee or a member of the employee's immediate family received any compensation, gift or thing of value; and

b. the name of the individual who received the compensation, gift or thing of value and the individual's relationship to the employee;

2. Financial interests:

a. the name of each person engaged in a transaction, as defined by K.C.C. 3.04.017F, with King County in which the employee may participate or has responsibility for, in whom the employee or a member of the employee's immediate family possessed a financial interest; and

b. the name of the individual who possessed the financial interest and the individual's relationship to the employee;

3. Positions:

a. the name of each person engaged in a transaction, as defined by K.C.C. 3.04.017F, with King

County in which the employee may participate or has responsibility for, with whom the employee or a member of the employee's immediate family held a position;

b. the name of the individual who held the position and the individual's relationship to the employee; and

c. the title of the position; and

4. Real property:

a. real property, listed by street address, assessor parcel number or legal description that was either involved in or the subject of an action by King County, in which the employee or a member of the employee's immediate family possessed a financial interest;

b. the name of the individual who possessed the financial interest and the individual's relationship to the employee; and

c. the name of the King County department involved in the transaction.

Property for which the only county action was valuation for tax purposes does not have to be reported except by those employees of the department of assessments and the board of appeals who are required to file a report. The use the individual made of the real property, such as recreation, personal residence or income, does not have to be reported.

E. For purposes of the statements of financial and other interests required to be filed annually, the "reporting year" means the preceding calendar year. For purposes of the statements of financial and other interests to be filed within ten days of employment or appointment, the "reporting year" means the preceding twelve calendar months.

F. An individual filing a statement of financial affairs under subsection A of this section shall swear that the statement is a complete copy of the statement filed under state law and that the information contained in the statement is true and accurate. A county employee filing a statement of financial and other interests under subsection B of this section shall swear that the information in the statement is true and accurate.

G. The financing of election campaigns shall continue to be governed by other applicable local, state, and federal laws, and not by the provisions of this chapter.

H. Filing of the written statement of financial and other interests, as defined in this section, does not relieve the employee of the duty to notify his or her supervisor of a potential conflict of interest as required by K.C.C. 3.04.037.

I. The board may adopt rules and regulations by which affected employees may request suspension or modification of the requirements to disclose financial and other interests set forth in this section if the literal application of the requirements would cause a manifestly unreasonable hardship and the suspension or modification would not frustrate the purposes of this chapter.

J. The board of ethics may adopt necessary and appropriate rules, regulations and forms related to completing, filing, maintaining and disclosing statements of financial and other interests under this section. The board, if adopting the rules, regulations and forms, shall adopt them as provided in K.C.C. chapter 2.98.

SECTION 28. Ordinance 1321, section 5, as amended, and K.C.C. 3.04.110 are hereby amended to read as follows:

Board of ethics - Income disclosure. The board of ethics shall adopt and promulgate rules and regulations delineating personnel employed by the county, not included in the county code of ethics, who shall be required to complete and file statements of disclosure of income and investments. The statements of elected officials, candidates, department directors, division managers, the((~~deputy county executive~~)) county administrative officer, chief officers of administrative offices and the county executive's administrative assistants shall be public record. All other statements shall not be made public without written approval of the board of ethics.

SECTION 29. Ordinance 12014, section 31, and K.C.C. 3.12.330 are hereby amended to read as follows:

Administration - Responsibility. The executive shall be responsible for the administration of the

county personnel system in accordance with the policies and standards established by this chapter, which shall constitute the personnel rules of the county. The director as the executive's designee shall be responsible to administer the personnel system and directly-related affairs of the county to include collective bargaining; provided, that such a role will not infringe on the authority of the ((~~deputy county executive, as the~~))county administrative officer((;)) to exercise supervisory authority on those matters not directly relating to the formal administration of the county's personnel system; provided further, that the equal employment officer and program, to include the affirmative action program, shall be directly responsible to the county administrative officer in all applicable affairs in which there has not been a formally defined relationship, by virtue of council action or personnel guideline, between said office and the director.

SECTION 30. Ordinance 12943, section 14, and K.C.C. 3.12A.020 are hereby amended to read as follows:

Definitions. The definitions set forth in K.C.C. chapter 3.12 are hereby incorporated in this chapter. Words not defined in K.C.C. chapter 3.12 or in this chapter shall have their ordinary and usual meanings. In the event of conflict, the specific definitions set forth in this chapter shall presumptively, but not conclusively, prevail.

A. "Committee" means the career service review committee which shall consist of the following three permanent members: the((~~deputy~~)) county executive or his or her designee; the chief officer of the office of budget ((~~and strategic planning~~))or successor organizational unit, or his or her designee; and the ~~director~~ manager of the((~~office of~~)) human resources management division or successor organizational unit, or his or her designee; and one member representing the department whose body of work and/or employees are then under review.

SECTION 31. Ordinance 12014, section 56, as amended, and K.C.C. 3.24.170 are hereby amended to read as follows:

Reimbursement of moving expenses for certain employees. A. Within the executive branch,

including the department of judicial administration, the(~~(-director))~~ manager of the human resources management division may authorize in writing at the written request of the appointing authority reimbursement for reasonable and necessary moving expenses to the following categories of county employees:

1. Persons whose appointments require council confirmation and who have been so confirmed.
2. Persons appointed by the(~~(-deputy county executive))~~ county administrative officer to exempt positions.
3. Persons appointed by the directors of executive departments to exempt positions.

B. Within the legislative branch, the department of assessments, the department of public safety, the office of the prosecuting attorney, and district and superior courts, the presiding elected official may authorize, in writing, the reasonable and necessary moving expenses of employees appointed within their agencies.

C. Reimbursement shall be authorized provided that prior to the appointment the appointing authority agreed to the reimbursement of moving expenses as necessary to obtain the services of a particular individual.

D. Confidential secretaries, and other exempt clerical positions, shall be excluded from the provisions of this section.

E. Total reimbursement shall not exceed six thousand dollars and reimbursement for specific expenses shall be subject to the limitations provided for throughout this chapter. Reimbursement will be authorized within the budgetary constraints of the employing department, agency or office.

F. Authorized moving expenses shall be reimbursable from departure until such time as possessions arrive in the county, unless such expenses have been otherwise reimbursed. Costs incurred in travel other than those related to direct travel to the place of new residence will be considered nonreimbursable.

SECTION 32. Ordinance 12077, section 13, and K.C.C. 3.30.040 are hereby amended to read as follows:

Authority to approve take-home vehicle assignments. The fleet administration division of the department of transportation shall be the executive agency in charge of implementing the provisions of this

chapter. ~~((Fleet administration))~~The division shall:

A. Develop the administrative rules to implement the provisions of this chapter~~((:))~~;

B. Evaluate all take-home vehicle assignment requests from executive departments and administrative offices; and

C. Approve and monitor take-home vehicle assignments ~~((including the take-home vehicle assignments from or to the department of parks and cultural resources, the solid waste division of the department of natural resources, and the airport division of the department of construction and facility management))~~requested by executive departments and administrative offices.

SECTION 33. Ordinance 12076, section 8, and K.C.C. 4.08.005 are hereby amended to read as follows:

Definitions. As used in this chapter, the following terms shall have the following meanings:

A. "~~((Director of finance))~~Manager" means the ~~((director of the department of finance))~~manager of the finance and business operations division.

B. "Chief budget ~~((and strategic planning))~~officer" means that individual designated by the executive to perform the budgeting~~((and strategic planning))~~functions assigned to the executive under K.C.C. chapter 2.16.

C. "First tier fund" means each fund listed or described as a first tier fund in K.C.C. chapter 4.08.

D. "Fund manager" means that person holding or exercising the powers of the position or office specified in K.C.C. chapter 4.08 as the manager for each fund. As to any fund created for which no fund manager is designated, the ~~((director of the department of finance))~~manager of the finance and business operations division shall be deemed to be the fund manager.

E. "Second tier fund" means each fund listed or described as a second tier fund in K.C.C. chapter 4.08.

SECTION 34. Ordinance 12076, section 9, as amended, and K.C.C. 4.08.015 are hereby amended to read as follows:

First tier funds and designated fund managers. 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 <u>and Parks</u>
109	Recorder's O & M	Dept. of (Information & Administrative Services) <u>Executive Services</u>
111	Enhanced-911 Emergency Tel System	Dept. of (Information & Administrative Services) <u>Executive Services</u>
112	Mental Health	Dept. of Community & Human Services
115	Road Improvement Guaranty	Dept. of Transportation
119	Emergency Medical Services	Dept. of Public Health
121	Surface Water Management	Dept. of Natural Resources <u>and Parks</u>
122	Automated Fingerprint Identification System	Dept. of Public Safety
125	Bridge Replacement	Dept. of Transportation
128	Local Hazardous Waste	Dept. of Public Health
129	Youth Sports Facilities Grant	Dept. of <u>Natural Resources and Parks</u> (& Cultural Resources)
131	Noxious weed control fund	Dept. of Natural Resources <u>and Parks</u>
134	Development and Environmental Services	Dept. of Development & Environmental Svcs
164	Two-Tenths Sales Tax Revenue Receiving	Dept. of Transportation
165	Public Transit Self Insurance	Dept. of Transportation
305	Police Field Fac Const 1987	Dept. of Public Safety
309	Neighborhood Parks & Open Space	Dept. of (Construction & Facility Management) <u>Executive Services</u>
312	HMC Long Range CIP	Dept. of (Construction & Facility Management) <u>Executive Services</u>
313	Health Department Clinic Projects Const	Dept. of (Construction & Facility Management) <u>Executive Services</u>
315	Conservation Futures Levy	Dept. of Natural Resources <u>and Parks</u>
316	Parks, Rec. & Open Space	Dept. of (Construction & Facility Management) <u>Executive Services</u>
318	Surface & Storm Water Mgmt Const	Dept. of Natural Resources <u>and Parks</u>
319	Youth Svcs Detention Facility Const	Dept. of (Construction & Facility Management) <u>Executive Services</u>
320	One Percent for Art	(Dept. of Parks &) <u>Office of Cultural Resources</u>
322	Housing Opportunity Acquisition	Dept. of Community & Human Services
326	1990 Series B Youth Detention Facility	Dept. of (Construction & Facility Management) <u>Executive Services</u>
327	Equipment and Building Acquisition	Dept. of (Finance) <u>Executive Services</u>
329	SWM CIP Construction 1992-1997	Dept. of Natural Resources <u>and Parks</u>
330	River and Flood Control Const 1961	Dept. of Natural Resources <u>and Parks</u>

331	Long-term leases	Dept. of ((Construction & Facility Management)) <u>Executive Services</u>
333	Health Centers Construction	Dept. of ((Construction & Facility Management)) <u>Executive Services</u>
334	Capital Acqn and County Fac Renovation	Budget Organization in Executive Office
335	Youth Services Facilities Construction	Dept. of ((Construction & Facility Management)) <u>Executive Services</u>
336	Arterial Highway Development	Dept. of Transportation
338	Airport Construction	Dept. of ((Construction & Facility Management)) <u>Transportation</u>
339	Working Forest 1995 B	Dept. of Natural Resources <u>and Parks</u>
340	Parks CIP	Dept. of Natural Resources <u>and Parks</u>
340-3	Urban Reforestation & Habitat Restoration	Dept. of Natural Resources <u>and Parks</u>
341	Arts and Historic Preservation Capital	((Dept. of Parks &)) <u>Office of Cultural Resources</u>
342	Major Maintenance Reserve	Dept. of ((Construction & Facility Management)) <u>Executive Services</u>
343	Core GIS Capital Project	Dept of ((Information & Administrative Services)) <u>Natural Resources and Parks</u>
346	Regional Justice Center Construction	Dept. of ((Construction & Facility Management)) <u>Executive Services</u>
347	Emergency Communications System	Dept. of ((Information & Administrative Services)) <u>Executive Services</u>
349	Parks Facilities Rehabilitation	Dept. of ((Construction & Facility Management)) <u>Executive Services</u>
350	Open Space Acquisition	Dept. of Natural Resources <u>and Parks</u>
368-0	Real Estate Excise Tax Capital Summary Fund	Dept. of ((Finance)) <u>Executive Services</u>
381	Solid Waste Cap Equip Recovery	Dept. of Natural Resources <u>and Parks</u>
383	Solid Waste Environmental Reserve	Dept. of Natural Resources <u>and Parks</u>
384	Farmland and Open Space Acquisition	Dept. of Natural Resources <u>and Parks</u>
385	Renton Maintenance Fac Const	Dept. of Transportation
386	County Road Construction	Dept. of Transportation
387	HMC Construction	Dept. of ((Construction & Facility Management)) <u>Executive Services</u>
388	Jail Renovation & Construction	Dept. of ((Construction & Facility Management)) <u>Executive Services</u>
390	Solid Waste Construction	Dept. of Natural Resources <u>and Parks</u>
391	Solid Waste Landfill Reserve	Dept. of Natural Resources <u>and Parks</u>
394	Kingdome CIP	((Stadium)) <u>Dept. of Executive Services</u>
395	Building Repair & Replace	Dept. of ((Construction & Facility Management)) <u>Executive Services</u>
396	HMC Building Repair and Replacement	Dept. of ((Construction & Facility Management)) <u>Executive Services</u>
404	Solid Waste Operating	Dent. of Natural Resources and Parks

429	Airport Operating	Dept. of ((Construction & Facility Management)) <u>Transportation</u>
448	Stadium Management	((Stadium)) <u>Dept. of Executive Services</u>
461	Water Quality	Dept. of Natural Resources <u>and Parks</u>
464	Public Transportation	Dept. of Transportation
542	Safety & Workers' Compensation	((Office of Human Resources Management)) <u>Dept. of Executive Services</u>
543	Transit nonrevenue vehicle rental and revolving fund	Dept. of Transportation
544	Wastewater equipment rental and revolving fund	Dept. of Transportation
550	Employee Benefits Program	((Office of Human Resources Management)) <u>Dept. of Executive Services</u>
551	Facilities Management	Dept. of ((Construction & Facility Management)) <u>Executive Services</u>
552	Insurance	Dept. of ((Information & Administrative Services)) <u>Executive Services</u>
557	Public Works Equipment Rental	Dept. of Transportation
558	Motor Pool Equipment Rental	Dept. of Transportation
559	Purchasing Stores	Dept. of ((Finance)) <u>Executive Services</u>
560	Printing/Graphic Arts Services	Dept. of ((Information & Administrative Services)) <u>Executive Services</u>
622	Judicial Administration Trust and Agency	<u>Dept. of Judicial Administration</u>
624	School District Impact Fee	Budget Organization in Executive Office
674	Refunded Ltd GO Bond Rdmp.	Dept. of ((Finance)) <u>Executive Services</u>
675	Refunded Unltd GO Bond	Dept. of ((Finance)) <u>Executive Services</u>
676	H&CD Escrow	Dept. of ((Finance)) <u>Executive Services</u>
696	Mitigation Payment System	Dept. of Transportation
843	DMS Limited GO Bonds	Dept. of ((Finance)) <u>Executive Services</u>
890	ULID Assessment - 1981	Dept. of Transportation
3643	Transit cross-border lease financing fund	Dept. of ((Finance)) <u>Executive Services</u>
((-)) <u>3690</u>	Transfer of development credit (TDC) bank fund	Dept. of Natural Resources <u>and Parks</u>
((-)) <u>1370</u>	Clark Contract administration fund	Budget ((Office)) <u>Organization in Executive Office</u>
((-)) <u>5470</u>	Office of information resource management operating fund	Dept. of ((Information & Administrative Services)) <u>Executive Services</u>
((-)) <u>3780</u>	Information and telecommunications capital improvement fund	Dept. of ((Information & Administrative Services)) <u>Executive Services</u>

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 pursuant to Chapter 216, Washington Laws of 1982, as now existing or hereafter amended, to the extent of the amounts then outstanding for such 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 35. Ordinance 12076, section 10, as amended, and K.C.C. 4.08.025 are hereby amended to read as follows:

Second tier funds and designated fund managers. 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:

Second Tier Funds

Fund No.	Fund Title	Fund Manager
001	Current Expense	Budget Organization in Executive Office
102	Criminal Justice	Budget Organization in Executive Office
105	River Improvement	Dept. of Natural Resources <u>and Parks</u>
106	Veterans' Relief	Dept. of Community & Human Services
107	Developmental Disabilities	Dept. of Community & Human Services
108	Civil Defense	Dept. of Public Safety
116	Arts and Cultural Education Program	Office of Cultural Resources
117	Arts and Cultural Development	Office of Cultural Resources
120	Treasurer's O & M	Dept. of ((Finance)) <u>Executive Services</u>
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 <u>and Parks</u>
214	Miscellaneous Grants	Dept. of ((Finance)) <u>Executive Services</u>
224	Youth Employment Programs	Dept. of Community & Human Services
246	Community Dev Block Grant	Dept. of Community & Human Services

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

SECTION 36. Ordinance 12076, section 7, and K.C.C. 4.08.030 are hereby amended to read as follows:

Accounting funds - Creation authority - Ordinance review. A. The council shall create by ordinance all accounting funds for which the council exercises appropriation authority. The county auditor shall review ordinances that establish such accounting funds for consistency with basic fund classification and accounting principles.

B. The (~~director of the department of finance~~) manager of the finance and business operations division may establish accounting funds for which appropriations are not required or which are mandated by state law or regulations and sub-funds and accounts as may be necessary to meet legal, administrative and accounting requirements; provided, that such funds, sub-funds and accounts shall be established consistent with generally accepted accounting principles and requirements established by state law and regulations. For all such funds, sub-funds and accounts, the (~~director of the department of finance~~) manager of the finance and business operations division shall be the fund manager unless otherwise provided by ordinance.

SECTION 37. Ordinance 12076, section 11, and K.C.C. 4.08.035 are hereby amended to read as follows:

Fund manager duties and responsibilities - Delegation. Fund managers, for both first and second tier funds, have the following duties and responsibilities:

A. Each fund manager shall review, determine the appropriateness and approve all expenditures from each fund for which ~~((he/she))~~ he or she is the designated fund manager.

B. Each fund manager shall inform the manager of the finance and business operations division regarding the availability of funds for investment as provided in K.C.C. chapter 4.10.

C. Each fund manager may delegate part or all of their duties and responsibilities to the following; provided, that to be effective, each delegation shall be in writing identifying the extent and scope of the duties and responsibilities being delegated:

1. Employees subordinate to and in the same department as the fund manager; and
2. Directors or managers in other departments but only for discrete elements or activities related to a fund and for amounts within such fund.

SECTION 38. Ordinance 3521, section 1, and K.C.C. 4.08.040 are hereby amended to read as follows:

Sewer ULID construction fund. There is created a new fund entitled the "Sewer ULID Construction Fund No. 389." Upon creation of a successful sewer ULID, the Sewer ULID Construction Fund will be reimbursed for any contributions. No project expenditures can be made from the Sewer ULID Construction Fund without an ordinance creating a specific Sewer ULID Construction Fund.

~~((B. Each fund manager shall inform the director of the department of finance regarding the availability of funds for investment as provided in K.C.C. 4.10.))~~

~~((C. Each fund manager may delegate part or all of their duties and responsibilities to the following; provided, that to be effective, each delegation shall be in writing identifying the extent and scope of the duties and responsibilities being delegated:~~

- ~~1. Employees subordinate to and in the same department as the fund manager; and~~
- ~~2. Directors or managers in other departments but only for discrete elements or activities related to a fund and for amounts within such fund.))~~

SECTION 39. Ordinance 12076, section 15, and K.C.C. 4.08.070 are hereby amended to read as follows:

King County worker's compensation fund. A. There is hereby established, under the provisions of chapter 51.14 RCW, a self insurance reserve fund which shall be known as the King County Worker's Compensation Fund. Said fund shall serve as the depository and serving account of funds necessary to fulfill those purposes contained in chapter 51.14 RCW.

B. This fund is intended to collect and disburse moneys to carry out the functions of the Safety and Worker's Compensation program, and funds shall not be attached for other purposes, unless such action is expressly approved by the council.

C. Industrial insurance rates shall be established such that sufficient revenues shall accrue to the fund to pay for the cost of the program functions and to maintain an excess of current and other assets over liabilities, excluding estimated claims settlements. Such rates shall take into consideration, but need not be limited to, the following factors: past losses for each industrial insurance classification, the number of hours worked in each classification, and estimated claims settlements for injury claims.

D. The ~~((director))~~manager of the ~~((office of))~~human resources management division is hereby authorized to transfer from the budget of each county department and agency at the end of each fiscal quarter a sum of money that represents the amount of money previously budgeted for payment of state industrial insurance.

E. The executive is hereby authorized to obtain for the county whatever bond is required by law to become a self-insurer under ~~((€))~~chapter 51.14 RCW.

F. It is intended that the policies contained in this chapter be applied to the Worker's Compensation

Fund beginning in 1982.

G. The fund shall seek to maintain an excess of current and other assets over liabilities, excluding estimated claims settlements, equal to or greater than the sum of each individual reserve established for all injury claims on file as estimated by the ~~((director))~~manager of the~~((office of))~~ human resources management division. Any funds accumulated beyond this requirement may be applied in establishing industrial insurance rates.

SECTION 40. Ordinance 12076, section 16, and K.C.C. 4.08.090 are hereby amended to read as follows:

Park facilities rehabilitation fund. A new capital fund is hereby created entitled Park Facilities Rehabilitation Fund, providing for the receipt of revenues and disbursement of expenditures for park rehabilitation. Cash balances in said fund not needed for immediate expenditure shall be invested for the benefit of the fund, pursuant to the first paragraph of RCW 36.29.020, and such procedures and limitations contained in county ordinance. Such investments shall not negate or affect the authority of the ~~((director of the department of finance))~~ manager of the finance and business operations division, under the guidance of the executive finance committee, to include the retained cash balance in the fund as part of the residual treasury cash invested under the second paragraph of RCW 36.29.020, as now or hereafter amended, for the benefit of the county Current Expense Fund.

SECTION 41. Ordinance 12076, section 17, and K.C.C. 4.08.100 are hereby amended to read as follows:

Surface and storm water construction fund. A new capital fund is hereby created entitled Surface and Storm Water Construction Fund, providing for the receipt of revenues and the disbursement of expenditures for construction, engineering, planning, acquisition of land, and other related costs for the acquisition and development of drainage control facilities. Cash balances in said fund not needed for immediate expenditure shall be invested for the benefit of the fund, pursuant to the first paragraph of RCW 36.29.020, and such

procedures and limitations contained in county ordinance. Such investments shall not negate or affect the authority of the ~~((director of the department of finance))~~ manager of the finance and business operations division, under the guidance of the executive finance committee, to include the retained cash balance in the fund as part of the residual treasury cash invested under the second paragraph of RCW 36.29.020, as now or hereafter amended, for the benefit of the county Current Expense Fund.

SECTION 42. Ordinance 12076, section 18, and K.C.C. 4.08.110 are hereby amended to read as follows:

Building repair and replacement fund. A new capital fund is hereby entitled Building Repair and Replacement Fund, providing for receipt of revenues and disbursement to appropriate capital funds for expenditures to repair and replace county buildings and building systems. Cash balances in said fund not needed for immediate expenditure shall be invested for the benefit of the fund, pursuant to the first paragraph of RCW 36.29.020, and such procedures and limitations contained in county ordinance. Such investments shall not negate or affect the authority of the ~~((director of the department of finance))~~ manager of the finance and business operations division, under the guidance of the executive finance committee, to include the retained cash balance in the fund as part of the residual treasury cash invested under the second paragraph of RCW 36.29.020, as now or hereafter amended, for the benefit of the county Current Expense Fund.

SECTION 43. Ordinance 12076, section 19, and K.C.C. 4.08.130 are hereby amended to read as follows:

Northshore park and recreation service area. The ~~((director of the department of finance))~~ manager of the finance and business operations division is directed to serve as the treasurer of the Northshore Park and Recreation Service Area (PRSA) and to perform the functions designated in RCW 36.68.500 et seq. A local service area fund shall be established in the department of ~~((finance))~~ executive services for the Northshore PRSA to be called the "Northshore PRSA Fund", which shall be managed as set forth in RCW 36.68.510.

SECTION 44. Ordinance 12076, section 20, and K.C.C. 4.08.140 are hereby amended to read as

follows:

Enumclaw parks and recreation service area. The ~~((director of the department of finance))~~ manager of the finance and business operations division is directed to serve as the treasurer of the Enumclaw PRSA and to perform the functions designated in RCW 36.68.500 et seq. A local service area fund shall be established in the department of ~~((finance))~~ executive services for the Enumclaw PRSA to be called the "Enumclaw PRSA Fund", which shall be managed as set forth in RCW 36.68.510.

SECTION 45. Ordinance 12076, section 25, as amended, and K.C.C. 4.08.210 are hereby amended to read as follows:

Landfill post-closure maintenance fund. A. There is hereby created a Landfill Post-Closure Maintenance Fund. The fund balance may be used for all costs associated with landfill post-closure maintenance operations at county owned landfills, and all operations and maintenance costs related to closed solid waste disposal sites or handling facilities which the King County solid waste division owns or has custodial responsibility for.

B. The director of the department of natural resources and parks shall be responsible for the administration of the Landfill Post-Closure Maintenance Fund including the preparation and issuance of operating procedures deemed necessary to ensure the proper administrative implementation of the policies governing the purpose and use of the fund.

C. The Landfill Post-Closure Maintenance Fund shall be classified as a Special Revenue Fund. Monies collected in the Landfill Reserve Fund for landfill post-closure maintenance for landfills operated by King County shall be transferred into the Landfill Post-Closure Maintenance Fund at the time each landfill is closed. At such time as a landfill is closed, the executive shall present to the council an ordinance appropriating funds designated for its post-closure maintenance from the Landfill Reserve Fund to the Landfill Post-Closure Maintenance Fund, and appropriating from the Landfill Post-Closure Maintenance Fund monies for post-closure maintenance.

D. All earnings derived from specific investment of funds accumulated in the Landfill Post-Closure Maintenance Fund shall be deposited and credited to the existing Landfill Post-Closure Maintenance Fund balance.

E. The executive is hereby authorized to establish and activate a new Special Revenue Fund entitled "Landfill Post-Closure Maintenance Fund" for the purpose described in paragraph A of this section and in accordance with the specific policies contained in paragraphs B, C, and D of this section.

SECTION 46. Ordinance 12076, section 32, and K.C.C. 4.08.280 are hereby amended to read as follows:

Solid waste capital equipment recovery fund. A. There is hereby created a Solid Waste Capital Equipment Recovery Fund for the sole purpose of accumulating financial resources for the replacement of and major maintenance in lieu of purchase to replace solid waste rolling stock and stationary compactors purchased in 1979 and subsequent years on a timely and economic basis.

B. The director of the department of natural resources and parks will be responsible for the administration of the Capital Equipment Recovery Fund including the preparation and issuance of operating procedures deemed necessary to insure the proper administrative implementation of the policies governing the purpose and use of the fund.

C. The Solid Waste Capital Equipment Recovery Fund shall be classified as a capital fund. Establishment of annual and carry-over budgets against this fund, beginning in 1982, shall be in compliance with existing capital improvement programming guidelines and capital improvement budgeting procedures including subsequent changes and/or revisions to same.

D. Annual appropriations of solid waste user fee revenues, beginning 1981, shall be included in the solid waste operating budget for transfer to the Solid Waste Capital Equipment Recovery Fund to finance the replacement of and major maintenance in lieu of purchase to replace existing solid waste rolling stock and stationary compactors in future years. This annual appropriation shall be sufficient to maintain adequate

replacement and major maintenance reserves. Transfers from the operating budget to the recovery fund will be made monthly.

E. All earnings derived from specific investment of funds accumulated in the Solid Waste Capital Equipment Recovery Fund shall be deposited and credited to the Solid Waste Capital Equipment Recovery Fund. Receipts derived from the future sale of surplus solid waste equipment items for salvage values shall also be deposited in the Solid Waste Capital Equipment Recovery Fund.

SECTION 47. Ordinance 11591, section 1, and K.C.C. 4.08.290 are hereby amended to read as follows:

Construction and facilities management internal service fund. There is hereby adopted and approved the creation of the Construction and Facilities Management Internal Service Fund. The Construction and Facilities Management Internal Service Fund shall be classified as a first tier fund as described in K.C.C. 4.10.010. The ~~((director of the department of construction and facilities management))~~manager of the facilities management division shall be the fund manager. Uses of the fund shall be for the purposes of providing building operations, building maintenance, capital project construction and management, major building repair and renovation, building security, and public information with respect to county facilities.

SECTION 48. Ordinance 12144, sections 1 and 2 , and K.C.C. 4.08.295 are hereby amended to read as follows:

Radio communications services operating fund and radio communications services construction fund. A. There is hereby created a Radio Communications Services Operating Fund and a Radio Communications Services Construction Fund. These funds shall be first tier funds as described in K.C.C. 4.10.020. The ~~((director of the department of information and administrative services))~~manager of the information and telecommunications services division shall be the fund manager.

B. The purpose of the Radio Communications Services Operating 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 Radio Communications Services Construction Fund is to provide for the receipt and disbursement of revenue reserved for implementation of the Capital Improvement Program administered by the radio communications services section.

SECTION 49. Ordinance 14008, section 1, and K.C.C. 4.08.297 are hereby amended to read as follows:

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

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

SECTION 50. Ordinance 13325, sections 5, 6 and 7, and K.C.C. 4.08.315 are hereby amended to read as follows:

Noxious weed control fund. A. There is hereby created the noxious weed control fund which shall be used to support the activities of the King County noxious weed control board, with revenues from the noxious weed special assessment.

B. The noxious weed control fund shall be a first tier fund as described in K.C.C. chapter 4.08. The noxious weed control fund shall be classified as a special revenue fund. The department of natural resources and parks shall be the fund manager of the noxious weed control fund.

C. The proceeds of the special assessment imposed by K.C.C. 4.94.010 shall be credited to the noxious weed control fund and may only be used to support the activities of the King County noxious weed control board and the department of natural resources and parks to control noxious weeds.

SECTION 51. Ordinance 13302, sections 1 and 2, and K.C.C. 4.08.325 are hereby amended to read as

follows:

Transit cross-border lease financing fund. There is hereby created a transit cross-border lease financing fund. This fund shall be a first tier fund as described in K.C.C. 4.10.010. The ~~((director of the department of finance))~~manager of the finance and business operations division shall be the fund manager. The purpose of the transit cross-border lease financing fund is to provide for the revenues and expenditures associated with transit cross-border leasing activity and to allow for the clear identification of the benefits that will accrue to the public transportation program therefrom.

SECTION 52. Ordinance 13733, section 9, and K.C.C. 4.08.327 are hereby amended to read as follows:

Transfer of development credit (TDC) pilot program -- TDC bank fund authorization. The TDC bank fund is hereby established and shall be classified as a first tier fund with all investment proceeds credited to the fund. The fund shall be managed by the ~~((resource lands section in the))~~department of natural resources and parks or its successor. Appropriation authority of one million five hundred thousand dollars established in fund 3522, project 352320 in Ordinance 13340 shall be transferred by the executive to the TDC bank fund, in a new project.

SECTION 53. Ordinance 12076, section 33, and K.C.C. 4.10.010 are hereby amended to read as follows:

Definitions. As used in this chapter, the following terms shall have the following meanings:

- A. "~~((Director of finance))~~Manager". The ~~((director of the department of finance))~~manager of the finance and business operations division.
- B. "Chief budget~~((and strategic planning))~~ officer": That individual designated by the executive to perform the budgeting ~~((and strategic planning))~~functions assigned to the executive under K.C.C. chapter 2.16.
- C. "First tier fund": Each county fund listed or described as a first tier fund in K.C.C. chapter 4.08.
- D. "Fund manager": That person holding or exercising the powers of the position or office specified in

K.C.C. chapter 4.08 as the manager for each fund and such persons to whom the fund manager has delegated duties and responsibilities as provided in K.C.C. chapter 4.08.

E. "Residual treasury cash": Any cash in the custody or control of the ~~((department of finance))~~finance and business operations division as to which no investment directive under the first paragraph of RCW 36.29.020, as now or hereafter amended, has been received by the ~~((director of the department of finance))~~manager of the finance and business operations division. Residual treasury cash includes county cash for which the fund manager has not directed a specific fund investment pursuant to this chapter.

F. "Second tier fund": A fund that is not to be invested for its own benefit under the first paragraph of RCW 36.29.020 and listed as a second tier fund in K.C.C. chapter 4.08.

SECTION 54. Ordinance 12076, section 34, and K.C.C. 4.10.040 are hereby amended to read as follows:

Maximum available for investment. For each first tier fund designated in K.C.C. chapter 4.08, the maximum amount of funds available but not required for immediate expenditure which are to be invested pursuant to the first paragraph of RCW 36.29.020, as now or hereafter amended, is to be determined by the fund manager prospectively taking into consideration the need to maintain sufficient cash liquidity in the fund to meet current expenditure requirements. Each fund manager shall make such a determination for each fund no less often than weekly, nor more often than daily, and shall promptly advise the ~~((director of the department of finance))~~manager of the finance and business operations division, in such manner and subject to such reasonable administrative constraints as the ~~((director of the department of finance))~~manager of the finance and business operations division shall establish, if there are funds to be invested, to invest such amounts from each fund, informing the ~~((director of the department of finance))~~manager of the finance and business operations division of the amount and maximum length of maturity appropriate for each investment, and such amounts are hereby authorized for investment under the first paragraph of RCW 36.29.020, as now or hereafter amended. Such investments shall be made and the lengths of their maturities selected by the ~~((director of the department~~

~~of finance~~))manager of the finance and business operations division in consultation with the executive finance committee. Consultation with the executive finance committee shall include, at a minimum, full disclosure of average invested and residual cash for each county fund. Such investments shall not negate or affect the authority of the ~~((director of the department of finance))~~manager of the finance and business operations division, under the guidance of the executive finance committee, to include the retained cash balance in the fund as part of the residual treasury cash invested under the second paragraph of RCW 36.29.020, as now or hereafter amended, for the benefit of the county Current Expense Fund.

SECTION 55. Ordinance 12076, section 35, and K.C.C. 4.10.050 are hereby amended to read as follows:

Executive finance committee. The executive finance committee is hereby confirmed as being the "county finance committee", referred to in RCW 36.29.020 and RCW 36.48.070, and shall be composed of the following: county executive, ~~((director of the department of finance))~~manager of the finance and business operations division, chief budget ~~((and strategic planning))~~officer, and the chairperson of the county council. The executive finance committee shall be responsible for directing the ~~((director of the department of finance))~~manager of the finance and business operations division in determining the maximum prudent extent to which residual treasury cash shall be invested pursuant to RCW 36.29.020 and this chapter. Actions of the committee shall be by majority vote except when the chairperson of the council determines such action constitutes a policy determination, as opposed to an administrative determination, which should be referred to the council. The chairperson of the council may defer action on the proposal until the council makes such policy determination regarding the proposed action.

SECTION 56. Ordinance 7112, section 6, and K.C.C. 4.10.060 are hereby amended to read as follows:

Reports on investments. The investment instruments in which county funds shall be invested shall be selected solely by the ~~((director of the department of finance))~~manager of the finance and business operations division or his or her designee and fully reported to the executive finance committee on a monthly basis at a

minimum. Any losses on investments including all investments of the county treasury shall be reported by the ~~((director of finance))~~manager of the finance and business operations division to all members of the executive finance committee immediately upon discovery. Investments shall be chosen from those which are now or may hereafter be legally permitted, with the aim of maximizing return to the county while safeguarding county funds, providing the liquidity needed to meet county obligations in timely fashion, and complying with such other county policy directives as now exist or may be hereafter adopted.

SECTION 57. Ordinance 7112, section 7, and K.C.C. 4.10.070 are hereby amended to read as follows:

Investment earnings, losses and penalties. Investment earnings and losses and any penalties for premature liquidation shall be allocated as follows:

A. In the case of first tier funds, for those specific fund investments directed by the fund manager, an investment service fee equal to the maximum now or hereafter authorized by state law shall be deposited in the county current expense fund, and the balance of the maturing or liquidated investment, plus earnings if any, shall be deposited in the specific fund out of which the investment originated.

As an alternative to premature liquidation of these specific fund investments, the executive finance committee may provide, on appropriate terms and conditions, for temporary interfund borrowing to cover unforeseen cash liquidity needs, and may provide for interfund purchases, at then market value, of investments in order to avoid penalties, provided that, the ~~((director of finance))~~manager of the finance and business operations division shall report to the executive finance committee any temporary interfund borrowing made to avoid liquidation of any investment instrument if such liquidation would have resulted in a loss of principal or interest. Terms and conditions should specify an interest rate and schedule of repayment.

B. For all other county funds, and for residual treasury cash investments attributable to first tier funds, all earnings and losses and any penalties for premature liquidation shall be deducted from or deposited in the county current expense fund and used for general county purposes.

SECTION 58. Ordinance 7112, section 9, and K.C.C. 4.10.090 are hereby amended to read as follows:

Pooled investments. At the direction of the executive finance committee, with the agreement of the fund manager, the ~~((director of finance))~~manager of the finance and business operations division or his or her designee, may pool monies for specific fund investments with other monies directed for specific fund investments by a fund manager under the first paragraph of RCW 36.29.020, as now or hereafter amended, monies in the residual treasury cash and monies directed for investment by other municipal corporations. Interest earnings and any losses shall be apportioned pro rata, after payment of investment service fees to the county current expense fund, to each of the funds participating in the pooled investment.

SECTION 59. Ordinance 12076, section 36, as amended, and K.C.C. 4.10.110 are hereby amended to read as follows:

New funds. A. Whenever a new county fund shall be created, unless it is of a type described in K.C.C. 4.08.015, consideration shall be given to whether it should be a first tier fund, and the council shall consider the recommendation of the executive in this regard within 45 days of receiving such recommendation. Any fund as to which no specific action is or has been taken within 45 days to authorize specific fund investments under the first paragraph of RCW 36.29.020, as now or hereafter amended, shall be a second tier fund.

B. Whenever a new county fund is established with direction that all surplus monies in the fund be invested for the benefit of that fund, or when such direction is given in connection with any county fund, such direction shall be deemed to mean only that monies available but not required for immediate expenditure shall be invested for that fund according to the procedures and limitations contained in this chapter, and such direction shall not negate or affect the authority of the ~~((director of the department of finance))~~manager of the finance and business operations division, under the guidance of the executive finance committee, to include the retained cash balance in that fund as part of the residual treasury cash invested under the second paragraph of RCW 36.29.020, as now or hereafter amended, for the benefit of the county Current Expense Fund; except that if specific negative reference is made to this chapter and direction is expressly given that the Current Expense Fund shall not receive any earnings attributable to the fund in question, then and only then shall that particular

fund be entitled to its proportionate share of any earnings resulting from residual treasury cash.

C. In case direction shall be given that certain monies in a county fund be invested for the benefit of that fund, and no fund manager be provided for, then the director of the county department or office primarily responsible for expenditures from that fund shall be the fund manager.

SECTION 60. Ordinance 12076, section 37, and K.C.C. 4.10.120 are hereby amended to read as follows:

Ratification of prior investments. All prior actions of the executive finance committee and the ((~~director of the department of finance~~))manager of the finance and business operations division or ((~~his/her~~))his or her predecessor taken in connection with investment directives and policies, investment decisions, and the allocation of investment earnings, as they relate to the investment of county funds, are hereby ratified.

SECTION 61. Ordinance 7112, section 13, and K.C.C. 4.10.130 are hereby amended to read as follows:

Administrative rules. The ((~~director of finance~~))manager of the finance and business operations division shall promulgate administrative rules pursuant to K.C.C. chapter 2.98 to implement this chapter. The rules shall be approved by the executive finance committee.

SECTION 62. Ordinance 12076, section 41, and K.C.C. 4.14.030 are hereby amended to read as follows:

Financial service need survey. The ((~~director of the department of finance~~))manager of the finance and business operations division shall conduct a survey of the financial services needs of the county prior to initiating the procurement process. The survey shall be reviewed and updated prior to each subsequent procurement process.

SECTION 63. Ordinance 12076, section 42, and K.C.C. 4.14.040 are hereby amended to read as follows:

Development and review of specifications. The ((~~director of the department of finance~~))manager of

the finance and business operations division shall develop specifications stating the financial service needs of the county. Said specifications shall be reviewed and approved by the council prior to formally seeking proposals from banks.

SECTION 64. Ordinance 12138, section 6, and K.C.C. 4.16.010 are hereby amended to read as follows:

Definitions. Terms used in this chapter shall be given their common and ordinary meaning except where otherwise declared or clearly apparent from the context. Additionally, the following definitions shall apply.

A. The term "bid" or "proposal" as used throughout this chapter shall mean an offer to provide materials, equipment, supplies, or services, in response to a solicitation for bids or proposals issued by the county.

B. The terms "bidder," "proposer" or "offeror" as used throughout this chapter shall mean any person, firm or corporation which formally submits a bid, proposal or offer to provide tangible personal property or services including expert personal, professional, technical, and consultant services, to the county in response to a solicitation for bids or proposals or request for qualifications issued by the county.

C. The term "contract" as used throughout this chapter shall mean a mutually binding legal relationship or any modification thereof obligating a person, firm, corporation, partnership or group to provide tangible personal property or services to the county, and which obligates the county to pay therefor.

D. The term "~~((director))~~manager" as used throughout this chapter shall mean the ~~((director of the department of finance))~~manager of the finance and business operations division.

E. The term "metropolitan function" as used throughout this chapter shall mean those function(s) authorized by RCW 35.58.050, approved by the voters, and assumed by the county pursuant to RCW 36.56.010.

F. The term "professional or technical services" as used throughout this chapter shall mean those

services provided by independent contractors

((+))) 1. ((w))Within the scope of architecture, accounting, engineering, landscape architecture, law, financial or administrative studies, feasibility studies of a scientific or technical nature, management advisory services and special project management for a defined period of time or result((;)) or other practice that requires specialized knowledge, advanced education or professional licensing or certification; and

((2))) 2. ((w))Where the primary service provided is mental or intellectual involving the consistent exercise of judgment and discretion or the provision of specialized skills.

G. The term "rolling stock" as used throughout this chapter shall mean revenue producing buses, vans, cars, railcars, locomotives, and trolley cars and buses.

H. The term "services", except for professional or technical services, as used throughout this chapter shall mean the furnishing of labor, time, or effort by a contractor, not involving the delivery of tangible personal property, other than reports which are merely incidental to the required performance.

I. The term "tangible personal property" as used throughout this chapter shall mean equipment, supplies, materials, goods, and rolling stock.

SECTION 65. Ordinance 12138, section 7, and K.C.C. 4.16.025 are hereby amended to read as follows:

Submittal and opening of bids and proposals. A. Sealed bids shall be received by the ((director)) manager at such locations as the ((director))manager shall designate. Bids shall be submitted as follows: Bids shall be sealed and shall be mailed or delivered and received at the location designated by the ((director)) manager up to the time and date specified on the invitation to bid, where such bids shall be time-recorded and initialed by a county representative. After the expiration of the time for the receipt of bids, the bids will be publicly opened and read. The county reserves the right to reject any bid, any portion of any bid, or all bids and to waive immaterial irregularities or any other requirement in accordance with applicable law.

B. Proposals shall be received by the ((director))manager at such locations as the ((director))manager

shall designate. Proposals shall be submitted as follows: Proposals shall be sealed and shall be mailed or delivered and received at the location designated up to the time and date specified in the request for proposal, where such proposals shall be time recorded and initialed by a county representative; provided however, that if the ~~((director))~~manager promulgates procedures by which proposals may be submitted electronically, and the request for proposal provides that proposals may be submitted in such a manner, the proposer may elect to submit its proposal either by the sealed or by the electronic manner. After expiration of the time for receipt of proposals, a submittal list shall be compiled and made public.

SECTION 66. Ordinance 12138, section 9, and K.C.C. 4.16.040 are hereby amended to read as follows:

Proprietary purchases. The competitive procurement provisions of this chapter shall not apply to the lease or purchase of tangible personal property or to services of any kind which are clearly and legitimately limited to a single source of supply or which involve special facilities or market conditions in which instances the lease or purchase price shall be established by direct negotiations by the ~~((director))~~manager. The executive shall approve such leases or purchases in excess of twenty-five thousand dollars.

SECTION 67. Ordinance 12138, section 10, and K.C.C. 4.16.070 are hereby amended to read as follows:

Petty cash purchases. Various departments or agencies of the county regularly have requirements for minimal cost purchases, and the cost of competitive purchasing to the county in these instances is greater than the benefits. The ~~((director))~~manager shall establish a petty cash fund for open market purchases of miscellaneous items, total purchase price not to exceed one hundred dollars. Individual departments or agencies may effect these minimal cost purchases directly. The ~~((director))~~manager will authorize the reimbursement to each department, office or employee authorized to make such petty cash expenditures upon delivery of vendor's sales receipt. The authorized designee of the department or office will certify the vendor's paid sales receipt and deliver same for reimbursement.

SECTION 68. Ordinance 12138, section 11, as amended, and K.C.C. 4.16.080 are hereby amended to read as follows:

Rules and regulations for the solicitation and purchase of professional or technical service

contracts. A. The rules and regulations stipulated in this section shall apply only to professional or technical service contracts.

B. Consultant contracts for preparation of environmental documents prepared as required by the state Environmental Policy Act, chapter 43.21C RCW, are exempt from the requirements of this chapter.

C. Contracts for architect and engineering services shall be let in accordance with the requirements of chapter 39.80 RCW.

D. In soliciting and recommending award of a professional or technical services contract having a value to the contractor in excess of twenty-five thousand dollars, the(~~(-director))~~ manager shall have the operational responsibility to:

1. Develop proposal specifications or a project description in the form of a request for proposal in concert with the requesting department or office.

2. Develop, with the requesting department or office, the written criteria which will be used to determine which written proposal(s) shall be accepted as the basis for recommending contract award. Such determination at a minimum shall include:

- a. quality;
- b. known and documented expertise of the applicant;
- c. documentation, as required, and demonstration of the financial capability of the party to perform specified work;
- d. special consideration of the impact of affirmative action, including minority and women's business enterprise participation.

3. Publicly advertise at least once the purpose, scheduled date, location, and time of a pre-proposal

conference, or the name of a contact person from whom the project specifications shall be available. The purposes of prior notification shall be to distribute and discuss the project specifications in the form of a request for proposal to interested parties, and inform applicants of the stated time frame for submission.

4. Recommend to the executive which proposal or proposals should be awarded a contract(s) as being in the best interests of the county.

5. Be responsible to address all necessary comments to other proposers, interested parties or the general public regarding the decision by the county to contract for services from a party to the exclusion of other proposers.

6. Include in contracts that provide for reimbursement of contractor travel and meal expenses a provision that limits such reimbursements to eligible costs based on the rates and criteria established in K.C.C. chapter 3.24.

SECTION 69. Ordinance 10581, section 8, as amended, and K.C.C. 4.16.085 are hereby amended to read as follows:

Small works roster alternative to advertisement and competitive bidding. A. There is hereby created a small works roster system, which shall operate as a uniform process to award contracts for public works projects with an estimated value of two hundred thousand dollars or less as an alternative, at the option of the county on a project-by-project basis, to formal advertisement and competitive bidding. The following procedures shall be followed in awarding all contracts using this roster system:

1. Individual rosters within the system shall be composed of all contractors who have requested to be placed on the rosters and who are responsible and, where required by law, properly licensed to perform such work in this state;

2. Bids may be solicited from all appropriate contractors on the appropriate small works roster or the county shall by invitation seek bids from at least five separate contractors on an appropriate roster. Such an invitation shall include an estimate of the scope and nature of the work to be performed as well as the materials

and equipment to be furnished. However, if the estimated cost of the work is from one hundred thousand dollars to two hundred thousand dollars, and the county chooses to solicit bids from less than all appropriate contractors on the appropriate small works roster list, then the county must notify the remaining contractors that bids are being solicited. The ~~((director))~~manager may select the most appropriate method of notifying such remaining contractors in compliance with RCW 39.04.155, now and as hereafter amended;

3. Once a contractor on a roster has been offered an opportunity to submit a bid, that contractor shall not be offered another opportunity to submit a bid for any other contract utilizing that same roster until all other contractors on the roster have been afforded an opportunity to submit a bid;

4. A contractor shall be removed, at the discretion of the manager, from a small works roster after being deemed nonresponsive to two consecutive invitations to bid; and

5. All contracts shall be awarded to the contractor submitting the lowest responsible bid.

B. The ~~((director))~~manager or his designee shall be responsible for the administration of the small works roster system and shall prepare and adopt the forms, administrative processes and operational procedures necessary to implement a small works roster system for different categories of anticipated work that complies fully with this section and all applicable requirements of state law, including those in RCW 36.32.235 and chapter 39.04 RCW.

SECTION 70. Ordinance 3441, section 8, as amended, and K.C.C. 4.16.090 are hereby amended to read as follows:

Rules and regulations for the lease or purchase of tangible personal property and the purchase of services other than professional and/or technical consultant services. The ~~((director))~~manager or the ~~((director's))~~manager's designee shall have prepared and shall approve and advertise for bids of all county solicitations for the lease or purchase of tangible personal property and the purchase of services (other than professional and/or technical consultant services) in excess of twenty-five thousand dollars, and such solicitations shall be consistent with applicable state of Washington statutes, including RCW 36.32.245, RCW

36.32.253 and RCW 39.04.190. All purchases or contracts made by the ((~~director~~))manager or the((~~director's~~)) manager's designee shall be awarded to the lowest responsible bidder. Any or all bids may be rejected for good cause.

SECTION 71. Ordinance 12138, section 12, and K.C.C. 4.16.095 are hereby amended to read as follows:

Direct voucher. A. Direct voucher purchases by individual departments and offices shall not exceed two thousand five hundred dollars without approval by ordinance passed by the council.

B. It shall be the responsibility of the ((~~director~~))manager to report to the council no later than April 30th of each year direct voucher activity for the previous year on a department by department basis. Said report shall include, but not be limited to, an identification of problems regarding inappropriate use of direct vouchering and corrective actions implemented by the executive.

SECTION 72. Ordinance 12138, section 13, and K.C.C. 4.16.100 are hereby amended to read as follows:

Collusion. Regardless of whether bids or proposals have been solicited by the county for the purchase of tangible personal property or the performance of service(s), it shall be the duty of the ((~~director~~))manager to report to the executive any suspected collusion and may order such suspected collusion reported to the proper federal authorities charged with enforcement of the federal anti((-))trust laws and to the Anti((-F))trust Division of the Office of the Attorney General of the state of Washington.

SECTION 73. Ordinance 12138, section 14, and K.C.C. 4.16.110 are hereby amended to read as follows:

Cooperative purchasing. The ((~~director~~))manager shall have authority to join with other units of government in cooperative purchasing when the best interests of the county would be served thereby; provided, that each of the participating units shall be separately invoiced by the vendors for such purchases and the county shall not be obligated for purchases other than those required for its own use. Whenever supplies,

materials, equipment and services are purchased for the county by federal, state or local governments, such purchases may be accomplished in the manner prescribed by the provisions of applicable law, charter or chapter of such federal, state or local governments, rather than the provisions of this chapter.

SECTION 74. Ordinance 12076, section 45, and K.C.C. 4.16.130 are hereby amended to read as follows:

Special purpose revolving funds. The ~~((director))~~manager of the ~~((department of finance))~~finance and business operations division is hereby authorized to establish three funds for the purposes listed below and will reimburse such funds upon submittal of adequately documented disbursement records which must relate to the purpose of the respective fund. The following special purpose revolving funds are recognized as necessary to the legitimate operating needs of the county:

A. Employee Advance Travel Expense Revolving Fund.

1. Custodian: ~~((Department of finance))~~Finance and business operations division.
2. Purpose: To provide advances for employee travel expense in cases deemed to otherwise result in undue economic burden on the employee.

B. Special Investigation Revolving Fund.

1. Custodian: Department of public safety.
2. Purpose: To provide cash funds for payments to non-employees as may occur in special investigation activities.

C. Fraud Division Revolving Fund.

1. Custodian: Office of the prosecuting attorney.
2. Purpose: To provide cash funds for such purposes or payments to non-employees as may be incurred in fraud investigations.

SECTION 75. Ordinance 12138, section 22, and K.C.C. 4.16.140 are hereby amended to read as follows:

~~((Director a))~~Authorization. The ~~((director))~~manager is hereby authorized to take all actions necessary and appropriate to implement the policies and provisions set forth in this chapter, and to promulgate such rules, regulations and guidelines as the ~~((director))~~manager deems necessary to carry out the purposes or provisions of this chapter; provided, that such rules, regulations and guidelines shall be promulgated in compliance with K.C.C. chapter 2.98~~((, Rules of County Agencies))~~.

SECTION 76. Ordinance 12138, section 16, and K.C.C. 4.16.142 are hereby amended to read as follows:

Qualification procedures. The ~~((director))~~manager is hereby authorized to establish procedures for qualifying tangible personal property and services prior to procurement of such items. Under such procedures, only tangible personal property and services that are determined to meet the qualifying criteria will be acceptable in the subsequent procurement.

SECTION 77. Ordinance 12138, section 19, and K.C.C. 4.16.155 are hereby amended to read as follows:

Negotiated procurements. A. The provisions of this section shall apply to contracts or procurements for services and professional or technical services for departments and offices. In addition, the provisions of this section shall apply to contracts or procurements for tangible personal property acquired in furtherance of metropolitan functions. Unless otherwise provided herein, all other ordinances relating to procurement, bidding or contract procedures shall apply to contracts or procurements which are in furtherance of metropolitan functions. In the event there are inconsistencies between this section and any other ordinance, this section shall control.

B. If the ~~((director))~~manager determines that soliciting competitive sealed bids is not in the best interest of the county, tangible personal property and services other than public works, the estimated cost of which is in excess of twenty-five thousand dollars, shall be let by contract under the following competitive sealed proposals procedures.

1. The ~~((director))~~ manager shall cause a notice inviting statements of qualifications ~~((and/))~~ statements of proposals to be published in a newspaper of general circulation throughout King County. The notice shall state generally the tangible personal property or services to be purchased and shall call for statements of qualifications ~~((and/))~~ statements of proposals to be submitted to the county on or before the day and hour named therein. The notice may be published in such additional newspapers or magazines and for such additional period of time as the ~~((director))~~ manager shall deem to be in the best interest of the county. The request for statements of qualifications ~~((and/))~~ statements of proposals shall state the relative importance of price and all other evaluation factors.

2. Discussions may be conducted with responsible offerors to determine either which proposals should be evaluated in more detail ~~((and/))~~ or which offerors should be requested to enter into negotiations, or both. Negotiations may be conducted concurrently or sequentially. The county may request clarifications and consider minor adjustments in the proposals in order to better understand the proposals and to qualify them for further consideration; provided, that information discussed or obtained from one offeror shall not be disclosed to competing offerors during the discussions and negotiations. Except to the extent protected by state and/or federal laws and regulations, proposals shall be considered public documents and available for review and copying by the public after a decision to award the contract is made.

3. Award shall be made, if at all, to a responsible offeror~~((s))~~ or offerors whose proposal~~((s) is/)~~ or proposals are determined to be the most advantageous to the county, taking into consideration price and the other established evaluation factors.

SECTION 78. Ordinance 12138, section 20, and K.C.C. 4.16.165 are hereby amended to read as follows:

Federal or state assistance requirements. When a procurement involves the expenditure of federal or state assistance, grant or contract funds, and the method of procurement required by such federal or state agency differs from the requirements of this chapter, the ~~((director))~~ manager shall conduct the procurement in

accordance with the procedures required by this chapter unless the federal or state agency specifically requires otherwise.

SECTION 79. Ordinance 12138, section 23, and K.C.C. 4.16.175 are hereby amended to read as follows:

Reports on contracts for professional or technical services. A. Each year the ~~((director))~~ manager shall submit to the executive a report on contracts awarded for professional or technical services which exceeded ~~(((\$25,000))~~ twenty-five thousand dollars and for which other than capital funds were committed. The report shall cover the period July 1 of a year through June 30 of the following year. The report shall provide the following information for each contract included in the report:

1. The name of the department and division for which the services were provided;
2. The name of the project or program for which the services were provided;
3. The name of the firm awarded the contract;
4. The type of professional or technical services to be provided;
5. Whether a competitive or sole source procurement process was used;
6. The contract amount;
7. The source of funding; and
8. The starting and projected ending dates of performance.

B. The executive shall include a copy of the report with the annual executive proposed budget submitted as required by ordinance and charter. The executive shall also insure that detailed budget information for appropriation units includes the amount for projected professional and technical services contracts for the next budget year.

SECTION 80. Ordinance 13983, section 3, and K.C.C. 4.19.030 are hereby amended to read as follows:

Definitions. The definitions in this section apply throughout this chapter unless the context clearly

requires otherwise.

A. "Administrator" means the ~~((manager of the contract compliance and minority/women and disadvantaged business division in the department of finance))~~chief officer of the office of regional planning and policy.

B. "Economically distressed area" means a geographic area determined by the county council to require the use of incentives in order to stimulate economic activity and revitalize declining neighborhoods.

C. "Located within" the county or an economically distressed area means that a business that at least:

1. Has its primary offices or distribution points, other than residential or post office box, physically within the relevant boundaries;
2. Lists the address on a valid business permit as being within the relevant boundaries;
3. Has been doing business within the relevant boundaries for at least twelve months; and
4. Submits other proof of compliance with subsection C. 1 through 3 of this section as required by the administrator.

D. "Small economically disadvantaged business" means that a business and the person or persons who own and control it are in a financial condition which puts the business at a substantial disadvantage in attempting to compete for public contracts. In assessing these financial conditions, the administrator shall substantially adopt the approach used by the federal Small Business Administration, but the administrator shall adjust the Small Business Administration dollar ceilings for various standard business classifications and levels for owners' personal net worth to account for local market conditions. Initially, the dollar ceiling for standard business classifications shall be fifty percent of the 1999 Small Business Administration thresholds.

SECTION 81. Ordinance 12076, section 46, and K.C.C. 4.20.020 are hereby amended to read as follows:

~~((Finance Director designated as e))~~County treasurer. The ~~((director of the department of finance))~~manager of the finance and business operations division shall perform the duties specified by general law to be

performed by the treasurer of the county in connection with the issuance, sale, delivery and payment of bonds of the county or bonds of political subdivisions or municipal corporations of the state located within the county. The ~~((director of the department of finance))~~ manager of the finance and business operations division shall be, by virtue of ~~((his/her))~~ his or her office, the treasurer of the county and ~~((said director))~~ the manager may designate a bank or banks to act for and on ~~((his/her))~~ his or her behalf as safekeeping agent, escrow agent or trustee in connection with the issuance of advance refunding bonds of the county, and shall perform all other functions prescribed by general law to be performed by the treasurer of the county unless otherwise specified by the Charter or by ordinance duly adopted pursuant to the Charter.

SECTION 82. Resolution 9490 (part) and K.C.C. 4.36.010 are hereby amended to read as follows:

~~((Payment to property agent))~~ **Rental payments.** All rentals covering King County tax property and King County fee simple property shall be paid to the ~~((county real property agent))~~ manager of the facilities management division.

SECTION 83. Resolution 9490 (part), as amended, and K.C.C. 4.36.020 are hereby amended to read as follows:

Record and deposit of collections. The ~~((property agent))~~ manager of the facilities management division shall keep a complete record of all rentals collected, crediting to each piece of property the amount of rentals received, and deposit with the ~~((county comptroller))~~ manager of the finance and business operations division all funds received at the close of business each Friday.

SECTION 84. Ordinance 12076, section 47, and K.C.C. 4.42.040 are hereby amended to read as follows:

Staffing. The office of cultural resources ~~((division of the department of parks and cultural resources))~~ shall be responsible for staff support for the Arts and Cultural Education program in accordance with the provisions of this chapter.

SECTION 85. Ordinance 9279, section 9, and K.C.C. 4.42.070 are hereby amended to read as follows:

Responsibility. The King County Special Projects Program shall be a separate program under the direction of the office of cultural resources (~~((division))~~)with recommendations from both the King County Arts Commission and the King County Landmarks and Heritage Commission.

A. The duties and authorities of the office of cultural resources (~~((division))~~)shall be the following:

1. Develop guidelines and eligibility criteria for the King County Special Projects Program.
2. Submit project proposals to the King County Arts Commission or the King County Landmarks and Heritage Commission as applicable for review and eligibility determination of all project proposals.
3. Submit project proposals for approval and appropriation by the council.
4. Annually report program results to the King County executive and King County council.
5. Review, evaluate and account for expenditures of funds.

B. The cost of administering the King County Special Projects Program shall be minimal.

SECTION 86. Ordinance 12076, section 49, and K.C.C. 4.42.100 are hereby amended to read as follows:

Cultural facilities program. A. The Cultural Facilities Program shall be administered by the (~~((director of the department of parks and))~~)office of cultural resources under the direction of the executive and in accordance with guidelines and policies established by the council. The program shall consist of grants responding to priorities established by the council, reviewed annually, to performing arts, visual arts, heritage and cultural organizations.

B. Beginning January 1, 1992, and through December 31, 2000, at least seventy percent of the revenue allocated to the Education and Cultural Development Fund shall be expended on the King County Cultural Facilities Program, provided that at least twenty percent of the King County Cultural Facilities Program revenue allocation shall be earmarked for heritage programs and administered by the King County Landmarks and Heritage Commission.

C. Beginning January 1, 2001, and through December 31, 2012, pursuant to Ordinance 9279, at least

thirty-two percent of the Education and Cultural Development Fund shall be expended on the King County Cultural Facilities Program and shall be earmarked for arts facilities and fixed assets and administered by the King County Arts Commission or its successor commission.

D. The funds allocated to the Cultural Facilities Program shall be used only for the purchase, design, construction, and remodeling of performing arts, visual arts, heritage, and cultural facilities, and for the purchase of fixed assets that will benefit art, heritage, and cultural organizations.

E. Funds may be spent on providing assistance for planning and improvement of cultural facilities, providing for the preservation and restoration of cultural facilities otherwise eligible for funding pursuant to this chapter, and providing funds to cultural organizations to comply with Section 504 of the Federal Rehabilitation Act of 1973, as amended.

F. Funds received under this section may be used for payment of principal and interest on bonds issued for capital projects. The ~~((director of the department of finance))~~manager of the finance and business operations division will manage the program's debt to ensure continued high credit quality, access to credit markets, and financial flexibility. All of the program's debt management activities will be conducted to maintain at least the current credit ratings assigned to the county's debt by the major credit rating agencies and to maintain an adequate debt service coverage ratio. Long term debt will not be used to support operating expenses. The ~~((director of the department of finance))~~manager of the finance and business operations division will develop and maintain a central system for all debt-related records which will include all official statements, bid and other procurement documents, ordinances, indentures, leases, etc., for all of the program's debt and will accurately account for all interest earnings in debt-related funds. These records will be designed to ensure that the program is in compliance with all debt covenants and with state and federal laws.

G. Eligible applicants shall include performing arts, visual arts, heritage and cultural organizations. Eligible applicants must be financially stable and have at least the following:

1. A legally constituted and working board of directors;

2. A record of artistic, heritage, or cultural accomplishments;
3. At least a two-year operating history;
4. Demonstrated ability to maintain net current liabilities at less than thirty percent of general operating expenses;
5. Demonstrated ability to sustain operational capacity subsequent to completion of projects or purchase of machinery and equipment; and
6. Evidence of an independent financial review of the organization.

SECTION 87. Ordinance 12076, section 50, and K.C.C. 4.44.010 are hereby amended to read as follows:

Authority to sell county tax title property. The ((property services))facilities management division of the department of ((construction and facility management))executive services is authorized to conduct sales of all county tax title property.

SECTION 88. Ordinance 12076, section 51, and K.C.C. 4.52.010 are hereby amended to read as follows:

Procedure for - When. Whenever, on the first day of January of any year, two installments of any local improvement assessment are delinquent, or the final installment thereof has been delinquent for more than one year, the ((director of the department of finance))manager of the finance and business operations division, shall, on or before the first day of October of such year, proceed with foreclosure of such assessments or installments thereof in accordance with state law.

SECTION 89. Ordinance 12045, section 21, and K.C.C. 4.56.030 are hereby amended to read as follows:

Inventory documentation and surplus personal property sales procedures. The ((property services))fleet administration division of the department of transportation shall keep documentation of the county personal property inventory.

A. The ~~((property services))~~fleet administration division shall review the department and agency inventory reports and investigate any large or unusual lost, stolen or unlocatable inventory amounts. The division shall compare current year amounts with previous years and to what is currently on hand. "Large" shall mean any dollar amount equal to, or in excess of, the current capitalization rate.

B. The personal property inventory shall include all items with a capitalization rate of \$1,000. All weapons shall continue to be capitalized.

C. One employee in each department or agency shall be designated as the department's or agency's inventory contact. Property disposal in any department or agency shall be initiated by the inventory contact and approved by the department director or agency head. Documentation shall require the signatures of both the inventory contact and the department director or agency head, as applicable, on the disposition forms sent to the ~~((property services))~~fleet administration division. No transactions will be valid without both signatures.

D. The employees in the ~~((personal property branch of the property services))~~fleet administration division who are involved in the inventorying and disposing of county personal property, as designated by the manager of the fleet administration division, and members of their immediate families shall be prevented from purchasing or otherwise participating in the purchase of surplus personal property.

E. At each sale a bidder sign-up sheet shall be posted to indicate whether the bidder is employed by the county, and, if so, in which department or agency, or whether any member of their immediate family is employed by the county and, if so, in which department or agency.

F. The ~~((property services))~~fleet administration division will maintain comprehensive documentation of all personal property sales, including those items specified in RCW 36.32.210, as amended, and will document each deletion or change that is made to the final property sale listing.

SECTION 90. Ordinance 12045, section 20, and K.C.C. 4.56.035 are hereby amended to read as follows:

Accountability for county personal property. County employees shall be held accountable and

responsible for all of the various personal property assigned to them during the course of their employment with the county.

A. Written documentation, by employee, of all changes in assigned capitalized items from the department or agency inventory reports will be recorded at the time of the occurrence and kept in each county department or agency.

B. The ~~((property services))~~fleet administration division shall provide a report of losses to the county council, ~~((deputy county executive))~~county administrative officer and office of risk management~~((-division))~~.

C. The ~~((property services))~~fleet administration division shall recommend to the department or agency director or manager corrective action for all capitalized items lost or misplaced due to employee negligence or misconduct.

D. If the director or manager determines an employee to be negligent in ~~((his/her))~~his or her care of the property assigned to ~~((him/her))~~him or her or if a terminated employee fails to return personal property assigned to ~~((him/her))~~him or her, then the county may pursue any remedy available at law for recovery of loss of property. If a career service employee is disciplined, that employee has the right to the full protection of the county disciplinary-grievance process as established by applicable union bargaining agreements and the county code provisions and administrative guidelines for the career service.

E. The fleet administration division shall be the sole agency responsible for inventorying and disposing of county personal property.

SECTION 91. Ordinance 12045, section 3, and K.C.C. 4.56.040 are hereby amended to read as follows:

Sales of personal property - Value exceeding five thousand dollars. If the item or lot of surplus personal property carries a depreciated value of not less than five thousand dollars and not more than two hundred fifty thousand dollars in the current inventory, a survey committee will be convened to estimate the market value of an item of personal property, and the committee shall then advise the date, location and manner

of sale that is likely to be the most advantageous to the county. The originating department, the manager of the ~~((property services))~~fleet administration division, and the director~~((;))~~of the department of~~((construction and facility management))~~transportation are to be represented on each survey committee that is convened. When the survey committee determines that an item or lot of surplus personal property carries a depreciated value of two hundred fifty thousand dollars or more, the county executive shall not dispose of said personal property without prior approval by motion of the council. The motion approved by the council shall state concisely a description of the item or lot of surplus personal property and procedures to be followed by the executive in disposing of the personal property through sale.

SECTION 92. Ordinance 12045, section 2, and K.C.C. 4.56.050 are hereby amended to read as follows:

~~((Director, department of construction and facility management; property services division--~~
))Responsibilities and powers. ~~((Subject to the delegation of authority by the director, the property services))~~
The managers of the fleet administration and facilities management divisions shall have the responsibilities and powers assigned to ~~((the))~~their respective divisions in K.C.C. chapter 4.56, as amended.

SECTION 93. Ordinance 12045, section 4, as amended, and K.C.C. 4.56.060 are hereby amended to read as follows:

~~((Property services division))~~**Real property - Responsibilities.** A. Except as otherwise provided in this chapter, the ~~((property services))~~facilities management division, acting under the supervision of the ~~((director, department of construction and facility management))~~county administrative officer, shall be the sole organization responsible for the administrative processes of acquiring, disposing, inventorying, leasing and managing real property, the legal title of which rest in the name of the county, or which the county manages in a trust capacity.

~~((B. The property services division shall be the sole agency responsible for inventorying and disposing of county personal property.))~~

~~((E))~~B. Open space, trail, park, agriculture and other natural resource real properties shall be acquired by the department of natural resources and parks, unless the executive directs the ~~((property services))~~facilities management division to make such acquisitions.

~~((D))~~C. Real property and interests in real property necessary for the metropolitan public transportation and metropolitan water pollution abatement functions shall be acquired and managed by the departments of transportation and natural resources and parks, respectively, as set forth in this chapter, unless the executive directs the ~~((property services))~~facilities management division to make such acquisitions and/or manage such properties.

~~((E))~~D. County departments shall be responsible for maintaining all real property for which they are the custodian.

SECTION 94. Ordinance 12045, section 5, as amended, and K.C.C. 4.56.070 are hereby amended to read as follows:

~~((Property services))~~Facilities management division, county departments - Responsibilities and powers in declaring county real property surplus. A. The ~~((property services))~~facilities management division shall no later than the end of the first quarter of the calendar year, maintain and update a current inventory of all county titled real property with detailed information as to current departmental custodianship and as to the characteristics that determine its economic value and potential uses; provided, that all county roads shall be excluded from the provision of this section.

B. No later than June 30th of each calendar year, each department shall submit a report to the ~~((property services))~~facilities management division on the status of all real property for which the department is the custodian and include in the report any change in use or status since the previous year's report.

C. County departments shall be required, no later than June 30th of every third calendar year beginning with 1996, to justify departmental retention of all real property for which the department is the custodian to the ~~((property services))~~facilities management division.

1. If in the judgment of the ((~~property services~~))facilities management division a county department cannot justify the retention of real property for which it is the custodian or if a department determines that real property is surplus to its needs, the ((~~property services~~))facilities management division shall determine whether any other county department has a need for the property that is related to the provision of essential government services, including but not limited to services for the public health, public safety, or services related to transportation, water quality, surface water or other utilities. If the property is not needed for the provision of essential government services, the ((~~property services~~))facilities management division shall then determine if the parcel is suitable for affordable housing. If it is deemed suitable for housing the county shall first attempt to make it available or use it for affordable housing pursuant to K.C.C. 4.56.085 or 4.56.100. Suitable for affordable housing for the purpose of this section means the parcel is located within the Urban Growth Area, zoned residential and the housing development is compatible with the neighborhood. If the property is not deemed suitable for the purposes described above, then it shall be determined whether any other department has a need for the parcel.

2. If another department can demonstrate a need for said real property, custodianship of such real property shall be transferred to that department without any financial transaction between present and future custodial organizations, except as required by RCW 43.09.210, as amended, or under grants.

3. If no other department can demonstrate a need for such real property, said real property shall be declared surplus to the future foreseeable needs of the county and may be disposed of as set forth in this chapter.

D. The ((~~property services~~))facilities management division shall review and make recommendations to the executive for uses other than the sale of surplus real property prior to a decision by the executive to dispose of such properties through sale. Other possible uses that shall be considered by the division in accordance with the provisions of this chapter, are:

1. Exchanges for other privately or publicly owned lands that meet the county's land needs;

2. Lease with necessary restrictive covenants;
3. Use by other governmental agencies;
4. Retention by the county if the parcel is classified as floodplain or slide hazard property;
5. Use by nonprofit organizations for public purposes; and
6. Long-term lease or sale for on-site development of affordable housing.

E. The ~~((property services))~~facilities management division in consultation with the office of ~~((budget and strategic planning))~~regional planning and policy and the department of community and human services shall, no later than the third quarter of the calendar year, submit a report to the council identifying surplus county real property suitable for the development of affordable housing. Affordable housing for the purpose of this chapter means residential housing that is rented or owned by a person:

1. Who is from a special needs population and whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income; or
2. Who qualifies as a very low-income, low-income, or moderate-income household as those terms are defined in RCW 43.63A.510.

SECTION 95. Ordinance 12045, section 6, and K.C.C. 4.56.075 are hereby amended to read as follows:

Financial investment properties. A. The ~~((property services))~~facilities management division shall determine which real properties within the inventory of county-owned properties are defined by this section. These properties are currently not needed for county use but are held to provide a financial return to the county. It is the ultimate objective of the county to dispose of this type of property. Disposal should not occur until optimal market conditions exist for maximizing financial return to the county.

B. All properties within this category shall have an initial value established by an appraisal or, in lieu of this appraisal, a value shall be established by the~~((property services))~~ facilities management division.

C. Except as provided in ~~((paragraph))~~ subsection E of this section, all properties with values of less

than ~~(((\$500,000))~~ five hundred thousand dollars shall be revalued by the ~~((property services))~~ facilities management division every three years from when the initial value was established until the property is disposed of. If a property increases in value to more than \$500,000 it is subject to the provisions in ~~((paragraph~~ subsection D of this section.

D. All properties with values of greater than ~~(((\$500,000))~~ five hundred thousand dollars shall be valued by an independent appraiser. Except as provided in ~~((paragraph))~~ subsection E of this section, these properties shall be revalued every three years from when the initial value was established.

E. When existing leases provide for rental adjustments at greater than three year intervals, the reevaluations required by ~~((paragraphs))~~ subsections C and D of this section shall be performed no more than one year prior to the scheduled rental adjustment.

F. All appraisals shall address the following factors:

1. Current market conditions and trends which affect the value of the property;
2. Potential market conditions;
3. Value of any improvements on the property;
4. Impact on property value of temporary and permanent encumbrances upon the property such as leases, easements and any other arrangement which encumbers any portion of the property; and
5. Any other factors which, in the professional judgment of the appraiser, affect the value of the property.

G. A proposal to dispose of a property in this category shall be based upon an appraisal which has been performed within the past twelve months. A property shall be sold if analysis of its income producing potential and current market sales conditions demonstrates that a greater return to the public will be provided through sale of this property.

H. Properties in this category shall be disposed of through a public auction process or through listing with a real estate listing service. In no case shall a property be sold for less than its appraised value. This value

shall be established by an independent appraisal which has been completed within six months of the sale of this property.

I. In order to ensure that properties in this category that are retained by the county provide the optimal return, all lease renewals and extensions shall be authorized by ordinance.

SECTION 96. Ordinance 12394, section 3, and K.C.C. 4.56.085 are hereby amended to read as follows:

Public/private development projects on or with county property. A. The office of ~~((budget and strategic planning))~~regional planning and policy shall assist the department of ~~((construction and facilities management))~~executive services to determine the potential public/private uses of county owned real and personal property.

B. The department of ~~((construction and facilities management))~~executive services shall assist county departments in capital facilities planning and, in collaboration with the office of ~~((budget and strategic planning))~~regional planning and policy, investigate the feasibility of, and when feasible, facilitate, public/private partnerships in the use of county property, pursuant to K.C.C. 4.56.070. These investigations shall include such actions as:

1. Prepare market and financial feasibility studies, hold public meetings, and prepare recommendations;
2. Brief the executive and council;
3. Solicit developer proposals;
4. Select the developer;
5. Obtain council approval;
6. Negotiate the developer agreement; and
7. Monitor the development and use of assets.

C. The office of ~~((budget and strategic planning))~~regional planning and policy shall provide assistance

to other county departments to determine if real property or other assets may be managed for economic development purposes or administered in a manner that will provide revenue to the county.

SECTION 97. Ordinance 12045, section 10, as amended, and K.C.C. 4.56.100 are hereby amended to read as follows:

Sale of property - Public auction or sealed bid. A. All sales of real and personal property shall be made to the highest responsible bidder at public auction or by sealed bid except when:

1. County property is sold to a governmental agency;
2. The county executive has determined an emergency to exist; or the county council, by ordinance, has determined that unique circumstances make a negotiated direct sale in the best interests of the public;
3. County real property is traded for real property of similar value, or when county personal property is traded for personal property of similar value;
4. The ~~((property services))~~facilities management division has determined that the county will receive a greater return on real property when it is listed and sold through a residential or commercial real estate listing service;
5. County personal property is traded in on the purchase of another article;
6. Property has been obtained by the county through the proceeds of grants or other special purpose funding from the federal or state government, wherein a specific public purpose~~((s)-is))~~ or purposes are set forth as a condition of use for ~~((such))~~ the property, ~~((said))~~ that purpose~~((s)))~~ or purposes to be limited to the provision of social and health services or social and health service facilities as defined in chapter 43.83D RCW, and it is deemed to be in the best interest of the county, in each instance, upon recommendation by the county executive and approval by the county council, that in order to fulfill ~~((said))~~ the condition of use, the county may sell or otherwise convey the property in some other manner consistent with the condition of use; provided, that in the event such property is conveyed pursuant to the provisions of this subdivision, the conveyee~~((s)))~~ or conveyees shall be limited to private, nonprofit corporations duly organized according to the laws of the state of

Washington, which nonprofit corporations are exempt from taxation under 26 U.S.C. ((§)) Sec. 501(c) as amended, and which nonprofit corporations are organized for the purpose of operating social and health service facilities as defined by chapter 43.83D RCW;

7. The county property is sold for on-site development of affordable housing which provides a public benefit, provided that the developer has been selected through a request for proposals;

8. It is deemed to be in the public interest to restrict the use of the project for provision of social or health services or such other public purposes as the county deems appropriate~~((:))~~; or

9. The ~~((property services))~~facilities management division for real property and the fleet administration division for personal property, in consultation with the county executive and the county council, may, in the best interests of the county, donate or negotiate the sale of either county surplus personal ~~((and/))~~ property or real property, or both, with bona fide nonprofit organizations wherein the nonprofit organizations provide services to the poor and infirm or with other governmental agencies with whom reciprocal agreements exist. Such transactions will be exempt from the requirements of fair market value, appraisal, and public notice. The~~((property services))~~ facilities management division or fleet administration division, as applicable, also may, in the best interest of the county, procure services to support King County in lieu of payment with nonprofit organizations who provide services which will benefit the public. Such transactions are based upon the recommendation of the ~~((property services))~~facilities management division or fleet administration division, as applicable, and the department having custodianship of the property. The ~~((property services))~~facilities management division or fleet administration division, as applicable, shall maintain a file of appropriate correspondence or such information which leads to a recommendation by the division to the county executive and the county council to undertake such transactions, and such information shall be available for public inspection at the ~~((property services))~~facilities management division or fleet administration division, as applicable. The ~~((property services))~~facilities management division or fleet administration division, as applicable, may also seek reimbursement from the benefiting organization for the administrative costs of

processing the surplus property.

B. The county may, if it deems such action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from sale. The county may then renegotiate the sale of withdrawn property, providing the negotiated price is higher than the highest rejected bid.

C. Whenever the procedures of a grant agency having an interest in real or personal property requires disposition in a manner different from the procedures set forth in this chapter, the property shall be disposed of in accordance with the procedures required by this chapter unless the grant agency specifically requires otherwise.

SECTION 98. Ordinance 12045, section 11, and K.C.C. 4.56.115 are hereby amended to read as follows:

Temporary and permanent easements on county property. A. The executive is authorized to execute utility easements, bills of sale or related documents necessary for the installation, operation and maintenance of utilities to county property, provided that the documents are reviewed and approved by the custodial department or agency and the ~~((property services))~~facilities management division. Temporary and permanent easements for utility purposes other than service to county property may be granted by the executive if such easements will not interfere with or hinder the use of the property by the custodial department or agency; provided that such utility easements that exceed ~~(((\$30,000))~~ thirty thousand dollars in value shall be subject to prior approval by the council. Any other permanent easements granted by the county shall be subject to prior approval by the council.

B. The executive is authorized to relinquish any easements granted to the county which are determined to be surplus to the county's foreseeable needs or to trade an easement for real property or easements of a similar nature and value, provided that relinquishments of easements where the county spent more than \$30,000 in their acquisition shall be subject to prior approval by the council.

SECTION 99. Ordinance 12045, section 12, and K.C.C. 4.56.130 are hereby amended to read as

follows:

Disposition of sale proceeds. A. The county organizations responsible for conducting sales shall be reimbursed for advertising, postage and selling fees, if any, from the proceeds of the sale. The ~~((director of finance))~~manager of the finance and business operations division is authorized to establish such funds and accounts necessary to deposit sale proceeds until final disposition. The balance of the proceeds shall be deposited into the proper county fund or account, as directed by the ~~((property services))~~facilities management division, the fleet administration division or the county council, as applicable.

B. In no case shall the title be transferred until the purchase price has been fully paid.

SECTION 100. Ordinance 12045, section 13, as amended, and K.C.C. 4.56.140 are hereby amended to read as follows:

Intergovernmental sales and leases of real property. A. The county may dispose of or lease county real property to another governmental agency and may acquire property for the county from another governmental agency by negotiation, upon such terms as may be agreed upon and for such consideration as may be deemed by the county to be adequate.

B. Prior to intergovernmental disposal of real property with an estimated value greater than the amount set forth in RCW 39.33.020, as amended, public notice and hearing shall be provided in accordance with ~~((said))~~such statute.

SECTION 101. Ordinance 12045, section 14, as amended, and K.C.C. 4.56.150 are hereby amended to read as follows:

Authority to lease or rent county real property. A. If it appears that it is for the best interests of the county and the people thereof, the county may lease any county real property and its appurtenances for a year or a term of years under the limitations and restrictions and in the manner provided in this chapter.

B. The county may lease such county real property and its appurtenances whether such property was acquired by tax deed under foreclosure proceedings for nonpayment of taxes or whether held or acquired in any

other manner.

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

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

E. The county may, in the best interests of the county, enter into agreements for the use of county property with bona fide nonprofit organizations, with another governmental agency when the property is to be used for a medical training and research facility connected with a county hospital, or wherein the nonprofit organization or governmental agency is either to use the property for affordable housing, make improvements to the county property and/or provide services which will benefit the public. Such agreements will be exempt from the requirements of fair market value, appraisal, and notice. Such agreements are subject to the approval of the executive, based upon recommendation of the ~~((property services))~~ facilities management division and the department having custodianship of the property subject to the agreement, provided that the ~~((property services))~~ facilities management division shall maintain a file of appropriate correspondence or such information which leads to a recommendation by the division to the county executive to enter into such an agreement. Such information shall be available for public inspection at the ~~((property services))~~ facilities management division for one year after termination of such tenancies.

F. For rental or lease agreements, including concession agreements, on county parks or open space properties, the natural resources and parks ~~((and cultural resources))~~ department shall have the authorities and responsibilities specified in ~~((paragraphs))~~ subsections D and E of this section for the ~~((property services))~~ facilities management division.

SECTION 102. Ordinance 12045, section 15, as amended, and K.C.C. 4.56.160 are hereby amended to read as follows:

Manner of awarding lease or rental agreement. A. Except as provided in ~~((paragraphs D and E of))~~ K.C.C. 4.56.150 D and E, and ~~((paragraphs))~~ subsections D and E of this section, fair market rental value, as defined in K.C.C. 4.56.010, shall be the basis for all leases of county real property. All leases will be awarded upon the best terms and conditions available to the county.

B. Except as provided in ~~((paragraphs))~~ subsections D and E of this section, when the county authorizes a new lease, or the renewal of a lease once executed and delivered, the ~~((property services))~~ facilities management division shall make an appraisal of the fair market rental value of such property, and such fair market rental value will serve as the basis for the new lease or renewal. After ~~((said))~~ the review, the manager of the ~~((property services))~~ facilities management division shall determine whether the new lease, or renewal of an existing lease, is to be awarded by competitive bidding or by negotiation with interested parties without bidding. New leases shall be awarded by competitive bidding unless the manager of the ~~((property services))~~ facilities management division determines it is advantageous to the county to negotiate without bidding. In the event the county negotiates the award of lease contracts, the ~~((property services))~~ facilities management division shall submit to the executive the reasons for recommending award through negotiation rather than competitive bidding. At the option of the executive, competitive bidding may be required. The county shall give notice of its intention to execute a lease by publishing a notice in a legal newspaper at least once a week for the term of two weeks. The notice so published shall adequately describe the property to be leased and shall contain a notice that a copy of the lease is available for public inspection at the ~~((property services))~~ facilities

management division. Such notice requirement shall not apply to leases or renewals awarded through competitive bidding or ~~((pursuant to the provisions of paragraphs))~~ in accordance with subsections D and E of this section. Every new lease, or extension, modification or renewal of a lease, once executed and delivered, shall be signed or caused to be signed by the county executive, in accordance with Section 320.20 of the King County Charter, following analysis and recommendations of the manager of the ~~((property services))~~facilities management division and the county department having custodianship of the property. After awarding of the new lease, modification, extension or renewal, a copy of the instrument as executed and delivered shall be available for public inspection at the ~~((property services))~~facilities management division.

C. When the county elects to lease its property pursuant to public bidding, the county shall advertise to the extent which the county deems necessary to effect an advantageous lease. Such advertising shall include publishing a notice in a legal newspaper at least once a week for three consecutive weeks, the last notice to appear no more than five days prior to the date of the auction or bid opening. When a lease of county real property is awarded through competitive bidding, the lease shall be awarded to the highest responsible bidder; provided, that whenever there is reason to believe that the highest acceptable bid is not the best rental obtainable, all bids may be rejected and the county may call for new bids or enter into direct negotiations to achieve the best possible rental. Each bid, with the name of the bidder, shall be recorded by the ~~((property services))~~facilities management division, and each record, with the name and address of the successful bidder and the amount of the successful bid, shall, after the awarding of the lease, be open to public inspection at the~~((property services))~~ facilities management division. In determining the highest responsible bidder, in addition to rental, the following elements shall be given consideration:

1. The financial responsibility of the bidder, and references therefor;
2. The previous and existing compliance by the bidder with the terms of other leases of county real property and the laws relating thereto; and
3. Such other information as may be secured relevant to the decision to award the lease.

D. If property was obtained by the county through the proceeds of grants or other special purpose funding from either the federal or state government, or both, in which a specific public purpose~~((s)-is))~~ or purposes are set forth as a condition of use for such property, the purpose~~((s)))~~ or purposes to be limited to the provision of social and health services or social and health services facilities as defined in chapter 43.83D RCW, and upon recommendation by the county executive and approval by the county council, the~~((property services))~~ facilities management division may obtain and lease out the property pursuant to such terms and conditions as are consistent with said purposes; provided, that in the event such property is leased pursuant to the provisions of this subsection, the lessee(s) shall be limited to private, nonprofit corporations duly organized according to the laws of the state of Washington, which are exempt from taxation under 26 U.S.C. Section 501 (b) as amended and which are organized for the purpose of operating social and health services facilities as defined by chapter 43.83D RCW.

E. If the county desires to have a building for its use erected on land owned or to be acquired by the county, the ~~((property services))~~facilities management division may lease the land for a reasonable rental; provided, that the county shall lease back the building or a portion thereof for the same term as established for the land lease. The leases shall include the following provisions:

1. No part of the cost of construction of the building shall ever be or become an obligation of King County;
2. King County shall have a prior right to occupy any or all of the building upon payment of rent as agreed upon by the parties, which rent shall not exceed prevailing rates for comparable space;
3. During any time that all or any portion of the building is not required for occupancy by King County, the lessee of the land may rent the unneeded portion to suitable tenants approved by King County; and
4. Upon expiration of the leases, all buildings and improvements on the land shall become the property of King County.

SECTION 103. Ordinance 12045, section 16, and K.C.C. 4.56.170 are hereby amended to read as

follows:

Applications for lease. A. Applications to lease county real property shall be submitted to the ((~~property services~~))facilities management division(~~(-of the department of construction and facility management~~)).

B. The right is reserved by the county to require that a deposit of a reasonable amount accompany all applications or bids to lease county real property. If a deposit is required, all deposits upon the same lease shall be of equal amount. The deposit shall be in the form of a certified check or cashier's check, or may be paid in cash. In case the lands applied for are leased at the time of application, the deposit shall be returned to the applicant; but if the party making application fails or refuses to comply with the terms of ((~~his/her~~))his or her application and to execute the lease, the deposit shall be forfeited to the county, and deposited in the current expense fund.

SECTION 104. Ordinance 12192, section 1, and K.C.C. 4.56.195 are hereby amended to read as follows:

Disposition of surplus vanpool vehicles from the metropolitan public transportation function by negotiated direct sale. In addition to disposing of surplus vanpool vehicles from the metropolitan public transportation function by public auction or sealed bid as provided elsewhere in this chapter, the county may dispose of such vehicles by negotiated direct sale if the ((~~property services~~))fleet administration division determines such disposition method will likely yield higher returns to the county than the public auction or sealed bid methods.

A. The county may use the services of a broker under contract to the county to conduct such negotiated direct sales. If such sale will be conducted by a broker, the broker shall be selected and a contract awarded in accordance with the negotiated procurement policies set forth in K.C.C. chapter 4.16. The provisions of the broker contract shall include the following:

1. The broker shall provide notice to the public of the availability of the vehicles;

2. The broker shall receive a commission as negotiated with the county and set forth in the broker contract;
3. The term of the broker contract may be for greater than one year but shall not exceed three years; and
4. The county reserves the right to transfer or sell vehicles outside of the broker contract to governmental, quasi-governmental and social service agencies and other parties selected by the executive or the council, as applicable, and in the event of such transfers or sales, shall owe no commission or other payments to the broker except to the extent the broker has incurred costs related to vehicles provided to the broker but subsequently withdrawn from the broker by the county.

B. Drivers of vanpool vehicles, as consideration for driving the vehicles, shall receive a credit against the purchase price of vanpool vehicles. The credit for drivers shall not exceed ~~(((\$1,000))~~ one thousand dollars based on a credit of ~~(((\$20))~~ twenty dollars for each month as a driver. The ~~((director of))~~ manager of the transit division of the department of transportation shall determine the credit earned by each driver and submit such determination to the manager of the ~~((property services))~~ fleet administration division.

SECTION 105. Ordinance 12076, section 52, and K.C.C. 4.57.010 are hereby amended to read as follows:

Authorization to negotiate and enter into contracts, general authority. The executive or the director of the department of natural resources and parks~~((and cultural resources))~~, if designated by the executive, is authorized on behalf of the county to negotiate and enter into concession contracts with private non~~((-))~~profit organizations for the express purpose of utilizing existing county park facilities to provide recreational opportunities to the public. The private non~~((-))~~profit organization will have the primary responsibility for operating, managing~~((;))~~ and maintaining the facility during the term of the contract.

SECTION 106. Ordinance 10326, section 2, and K.C.C. 4.62.020 are hereby amended to read as follows:

Provision of relevant material. The department of natural resources and parks~~((, planning, and resources))~~ shall provide in a timely manner any codes, plans, maps~~((;))~~ and other relevant material which will aid the assessor in determining the true and fair value of real property in King County and any possible reductions in assessed valuation derived from environmental constraints.

SECTION 107. Ordinance 10326, section 3, and K.C.C. 4.62.030 are hereby amended to read as follows:

Exchange and transfer of information. The department of natural resources and parks~~((, planning, and resources))~~ and the King County assessor shall work together to devise a compatible and efficient format for the exchange and transfer of information.

SECTION 108. Ordinance 12076, section 55, as amended, and K.C.C. 4.64.030 are hereby amended to read as follows:

~~((Finance department r))~~**Responsibilities on petitions.** If the ~~((director of the department of finance))~~manager of the finance and business operations division receives a petition from the assessor with an indication by the assessor that the provisions of RCW 84.69.020 or ~~((RCW))~~ 84.60.050 have been satisfied and if the ~~((director))~~manager determines that the petition was filed within the time limits set forth in RCW 84.69.030, the ~~((director))~~manager shall grant the petition and issue a tax refund to the petitioner. If the ~~((director))~~manager receives a petition involving issues outside of the assessor's statutory responsibilities, that therefore has not been reviewed to determine whether the provisions of RCW 84.69.020 were satisfied, the ~~((director))~~manager shall make such a review. After review, if the ~~((director))~~manager finds that the provisions of RCW 84.69.020 are satisfied and that the petition was timely filed, the ~~((director))~~manager shall grant the petition and issue a tax refund to the petitioner. If either the assessors' office or the ~~((department of finance))~~finance and business operations division finds that the provisions of RCW 84.69.020 have been met, but the petition has not been filed within the time period set forth in RCW 84.69.030, the ~~((department of finance))~~finance and business operations division shall forward the petition, accompanied by a motion for the council's

action, to the clerk of the council. For those petitions involving issues within the assessor's statutory responsibilities, the assessor shall forward to the council a recommendation as to whether the council should exercise its discretion to waive the statutory time limits and grant the petition for refund on the council's own motion. For those petitions involving issues outside of the assessor's statutory responsibilities, the ~~((department of finance))~~finance and business operations division shall forward to the council a recommendation as to whether the council should exercise its discretion to waive the statutory time limits and grant the petition for refund on the council's own motion.

SECTION 109. Ordinance 12076, section 56, and K.C.C. 4.68.010 are hereby amended to read as follows:

Certification of nondelinquent property tax account required for building and land development permits. The applicant for any of the permits listed below shall be required to provide certification from the ~~((director of the department of finance))~~manager of the finance and business operations division that property taxes for the subject property are not delinquent prior to county issuance of said permit. The certification shall be obtained by the applicant from the ~~((director of the department of finance))~~manager of the finance and business operations division.

SECTION 110. Ordinance 12076, section 59, and K.C.C. 4.84.020 are hereby amended to read as follows:

Adoption of registration system. The county adopts the following system of registering the ownership of its bonds and obligations.

A. Registration Requirement. All bonds and obligations offered to the public, having a maturity of more than one year and issued by the county after June 30, 1983, on which the interest is intended to be exempt from federal income taxation, shall be registered as to both principal and interest as provided in this chapter.

B. Method of Registration. The registration of all county bonds and obligations required to be registered shall be carried out either by:

1. a book entry system of recording the ownership of the bond or obligation on the books of the county or the fiscal agencies, whether or not a physical instrument is issued; or
2. by recording the ownership of the bond or obligation and requiring as a condition of the transfer of ownership of any bond or obligation the surrender of the old bond or obligation and either the reissuance of the old bond or obligation or the issuance of a new bond or obligation to the new owners. No transfer of any bond or obligation subject to registration requirements shall be effective until the name of the new owner and the new owner's mailing address, together with such other information deemed appropriate by the registrar, shall be recorded on the books of the registrar.

C. Denominations. Except as may be provided otherwise by the ordinance authorizing their issuance, registered bonds or obligations may be issued and reissued in any denomination up to the outstanding principal amount of the bonds or obligations of which they are a part. Such denominations may represent all or a part of a maturity or several maturities and on reissuance may be in smaller amounts than the individual denominations for which they are reissued.

D. Appointment of Registrar. Unless otherwise provided in the ordinance authorizing the issuance of registered bonds or obligations, the ~~((director of the department of finance))~~manager of the finance and business operations division of King County shall be the registrar for all registered interest-bearing warrants, installment contracts, interest-bearing leases and other registered bonds or obligations not usually subject to trading and the fiscal agencies shall be the registrar for all other county bonds and obligations.

E. Duties of Registrar.

1. The registrar shall serve as the county's authenticating trustee, transfer agent, registrar and paying agent for all registered bonds and obligations for which he, she, or it serves as registrar and shall comply fully with all applicable federal and state laws and regulations respecting the carrying out of those duties.
2. The rights, duties, responsibilities and compensation of the registrar shall be prescribed in each ordinance authorizing the issuance of the bonds or obligations, which rights, duties, responsibilities and

compensation shall be embodied in a contract executed by the (~~((director of the King County department of finance))~~)manager of the finance and business operations division and the registrar. Except in instances when the fiscal agencies serve as registrar, the county adopts by reference the contract between the state finance committee of the State of Washington and the fiscal agencies in lieu of executing a separate contract and prescribing by ordinance the rights, duties, obligations and compensation of the registrar. When the (~~((director of the King County department of finance))~~)manager of the finance and business operations division serves as registrar, a separate contract shall not be required.

3. In all cases when the registrar is not the fiscal agencies and the obligation is assignable, the ordinance authorizing the issuance of the registered bonds or obligations shall specify the terms and conditions of:

- a. making payments of principal and interest;
- b. printing any physical instruments, including the use of identifying numbers or other designation;
- c. specifying record and payment dates;
- d. determining denominations;
- e. establishing the manner of communicating with the owners of the bonds or obligations;
- f. establishing the methods of receipting for the physical instruments for payment of principal, the destruction of such instruments and the certification of such destruction;
- g. registering or releasing security interests, if any; and
- h. such other matters pertaining to the registration of the bonds or obligations authorized by such ordinance as the county may deem to be necessary or appropriate.

SECTION 111. Ordinance 14006, section 2, and K.C.C. 4.98.010 are hereby amended to read as follows:

Fee - technology learning center use. The council, after proper notice having been given to the public, authorizes the(~~((director of the department of information and administrative services))~~) manager of the

information and telecommunications services division to establish a fee for the use of the technology learning center, as follows:

<u>Service</u>	<u>Rate</u>
Technology learning center room usage per day	\$290.00
(or fractional part thereof)	

SECTION 112. Ordinance 13923, section 4, and K.C.C. 4.100.020 are hereby amended to read as follows:

Policies - convenience and transaction fees. A. Requests to accept electronic payments must be initiated by the affected department or agency. A department or agency is not required to accept electronic payments for any service it provides.

B. A department or agency may accept electronic payments for a service it offers, only if the person making the payment bears the transaction fee in such an amount as determined by the ((~~finance department~~)) finance and business operations division in accordance with state law.

C. A department or agency may absorb the costs associated with electronic payment transactions, only if the council has given its approval to do so and absorption of the transaction fees does not conflict with state law, this chapter or established county policy.

D. A department or agency may accept electronic payments for tax payments, including interest, penalties and other amounts associated with taxes, only if the person making the payment bears the transaction fee in such an amount as determined by the((~~finance department~~)) finance and business operations division in accordance with state law.

E. A department or agency may accept electronic payments for specified nontax payments, including but not limited to code enforcement fines and penalties, special assessments, school and road mitigation payments, and fines, restitution and interest imposed by courts, only if the person making the payment bears the transaction fee in such an amount as determined by the ((~~finance department~~))finance and business operations

division in accordance with state law.

F. If a department or agency collects payments to be shared with another state or government agency, the department or agency may absorb the cost of the transaction fees, only if the benefits to the county are greater than the transaction fees, as determined by the head of the department or agency, and if approved by the council. A department or agency that collects those types of payments may enter into negotiation with other state or governmental agencies regarding the sharing of transaction fees, unless the share of payment collected to be paid to the other agency is specified by state law.

G. The ((~~finance department~~))finance and business operations division shall develop and administer a comprehensive countywide request for proposal for credit card services. The ((~~finance department~~))finance and business operations division shall award and administer agreements for the services. A department or agency may not enter into such an agreement without the written consent of the ((~~director of the finance department~~))manager of the finance and business operations division.

H. Electronic payments may be accepted in person, over the phone, by fax, by mail, or through the Internet, as determined appropriate by the head of each department and agency and as is consistent with this chapter and any agreement for electronic payment services.

I. Convenience fees may be added to electronic payments processed through an interactive voice response system or through the Internet. The convenience fee may be calculated to cover any transaction costs borne by the department or agency and may include a fee for expedited transaction processing. A department or agency may not impose a convenience fee unless the ((~~director of the finance department~~))manager of the finance and business operations division has approved the fee.

J. A department accepting electronic payments shall include transaction fees in its annual budget unless the customer pays the transaction fees.

SECTION 113. Ordinance 13923, section 5, and K.C.C. 4.100.030 are hereby amended to read as follows:

Initiating acceptance - council approval for absorbing costs. A. A department or agency may initiate the acceptance of electronic payments without council approval, only if the person making the payment bears the transaction fee in such an amount as determined by the ((~~finance department~~))finance and business operations division in accordance with state law.

B. A department or agency wishing to absorb the costs associated with electronic payment transactions shall receive council approval to do so. The process for receiving council approval is as follows:

1. The department or agency must submit to the budget office and to the ((~~finance department~~))finance and business operations division a formal request to initiate acceptance of electronic payments along with a business analysis which, at a minimum, describes any combination of the service or services and product or products for which the electronic payment option is to be offered, assesses the benefits of absorbing the transaction costs associated with these payments, projects the annual fiscal impact of absorbing transaction costs over a three-year horizon, documents legal or contractual obligations that would be affected by acceptance of electronic payments and adequately cites or includes as attachments any documentation supporting its business analysis. The council encourages the executive to develop an electronic payment business analysis template for use by interested agencies; and

2. If the budget office agrees that absorbing the transaction costs serves the best interests of the county, and if the ((~~finance department~~))finance and business operations division confirms that the proposal meets its electronic payment processing protocol, the executive may transmit an appropriation request to the council. The transmittal package must include the department or agency business analysis on which the original request is based. The council encourages submittal of the electronic payment appropriation requests as part of the annual budget.

SECTION 114. Ordinance 1888, article 1, section 2, and K.C.C. 6.01.010 are hereby amended to read as follows:

Definitions. For the purpose of all business license ordinances the words and phrases used herein,

unless the context otherwise indicates, shall have the following meanings:

- A. "Certificate" means any certificate or renewal of certificate issued pursuant to any business license ordinance;
- B. "Director" means for taxicabs and for-hire drivers and vehicles the manager of the ~~((general))~~ records, elections and licensing services division, ((King County)) department of executive ~~((administration))~~ services, or his or her duly authorized representative. For all other business licenses, "director" means the director of the department of development and environmental services, or his or her duly authorized representative;
- C. "License" means any license or renewal of license issued pursuant to any business license ordinance;
- D. "Licensee" means any person to whom a license or renewal of license has been issued pursuant to any business license ordinance;
- E. "Permit" means any permit or renewal of permit issued pursuant to any business license ordinance;
- F. "Person" means any individual, partnership, firm, joint stock company, corporation, association, trust, estate or other legal entity;
- G. "Registrant" means any person to whom a registration or renewal of registration has been issued pursuant to any business license ordinance;
- H. "Registration" means any registration or renewal of registration issued pursuant to any business license ordinance.

SECTION 115. Ordinance 1492, section 23, and K.C.C. 6.24.180 are hereby amended to read as follows:

Advertisements - Solicitation of business. A. Every advertisement by a licensee advertising or soliciting business shall contain ~~((his))~~the company name and address as they appear in the records of the ~~((Department of Executive Administration, General Services Division))~~department of development and environmental services.

B. Licensees, in their promotional literature and oral sales presentations to members of the public, shall

not claim any relationship or affiliation with any official or semiofficial law enforcement organization. Such literature or sales presentation shall be accompanied by an accurate and clear description of the services which the licensee does in fact offer or provide.

C. Solicitors performing oral sales presentations to members of the public shall not carry visible weapons.

SECTION 116. Ordinance 1710, section 5, and K.C.C. 6.27.050 are hereby amended to read as follows:

Application - Review - Hearing. A. Each application for a right-of-way franchise shall be reviewed by the following agencies prior to submission to the King County council for hearing and decision:

1. King County (~~((property and purchasing division, department of executive administration))~~
department of executive services; and

2. King County department of (~~((public works))~~)transportation.

B. In addition, each application for a right-of-way franchise by sewer and water districts and water distributors shall be submitted to the utilities technical review committee. Approval by that committee is required prior to any submission of the application to the council for approval. Approval shall be forthcoming if all criteria outlined in (~~((Section))~~)K.C.C. 6.27.060 are met.

C. In accordance with RCW 36.55.040, the council shall set a time and a place for a public hearing on each franchise application which has been reviewed in accordance with subsections A and B of this section. The county shall post notice of such hearing in three public places fifteen days before the hearing and publish notice twice in some daily newspaper in the county not less than five days before the hearing.

SECTION 117. Ordinance 10159, section 3, as amended, and K.C.C. 6.27A.010 are hereby amended to read as follows:

Definitions. 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.((§§)) Sec.s 521 et seq., and as hereafter may be amended.

F. Cable manager means the manager of the ((cable office))information and telecommunications services division.

G. Cable office means the King County ((office of cable communications, an office of the King County department of executive administration))information and telecommunications services division.

H. Cable rules means rules promulgated by the King County ((department of executive administration))information and telecommunications services division 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 (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.

O. 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. 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. 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. FCC means the Federal Communications Commission and any legally appointed, designated or elected agent or successor.

U. 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. 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. Franchisee means any person granted a franchise pursuant to this chapter who has entered into a franchise agreement with King County.

X. 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. Installation means the connection and/or activation of the system from feeder cable to subscriber terminals.

Z. 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 televisions subscribers.

AA. Interconnect means the sharing of video, audio and/or data transmissions between two or more cable systems, institutional networks and/or users.

BB. Minority persons means African-Americans, Hispanics, Mexican-Americans, Asian-Americans, Pacific Islanders, American Indians and Alaska Natives.

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

GG. 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 non((-))performance of the terms of the franchise agreement.

HH. Two-way capability means the capacity for two-way transmission, over the cable system.

II. "Video programming vendor" means a person engaged in the production, creation, or wholesale distribution of video programming for sale.

SECTION 118. Ordinance 10159, section 16, as amended, and K.C.C. 6.27A.140 are hereby amended

to read as follows:

Rates. 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 ((section))K.C.C. 20.24.070((of the King County code)). The cable office shall promptly notify the hearing examiner of any proposed rate changes. The director of the department of executive ((administration))services 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 ((administration))services 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.

SECTION 119. Ordinance 10159, section 25, and K.C.C. 6.27A.230 are hereby amended to read as follows:

Enforcement remedies. A. The county may seek legal and/or equitable relief from any court of

competent jurisdiction in the event a person violates this chapter, the cable rules, a franchise agreement, or applicable federal, state or local law. In addition, the county has the right to impose any one or combination of the following remedies: collect liquidated damages as provided for in the franchise agreement, assess civil penalties in an amount up to one hundred ~~((100))~~ dollars per violation, require corrective action to remedy the violation, and/or revoke the franchise and franchise agreement. Each day a violation continues may be considered an additional violation. Any remedy or remedies set forth in this section may be:

1. recovered by legal action filed in King County superior court by the prosecuting attorney on behalf of King County; or

2. imposed by an administrative notice and order issued pursuant to this chapter by the director of the King County department of executive ~~((administration))~~ services, provided that only the county executive shall have the authority to revoke a franchise and franchise agreement.

B. In determining which remedy or remedies are appropriate, the county shall take into consideration the nature of the violation and the harm caused by it, the nature of the remedy required in order to remedy such harm and prevent further violations, and such other matters as the cable office determines are appropriate.

C. Failure of the county to enforce any requirements of this chapter, the cable rules, the franchise agreement or applicable law shall not constitute a waiver of the right to enforce that requirement, or subsequent violations of the requirement, or to seek appropriate enforcement remedies, nor shall it relieve a franchisee of the obligation to comply with any requirement.

D. A person's payment of liquidated damages or penalties or the county's imposition of any remedy shall not relieve the person of the obligation to comply with the requirements of this chapter, the cable rules, a franchise agreement, an order of the county or applicable law.

E. Any sum recovered by the county from the required security fund or letter of credit under the terms of this section shall not be a limitation upon the liability of the franchise to the county and shall not constitute an election of remedies.

F. In the event of any dispute between the franchisee and the county arising out of this chapter, the cable rules or the franchise agreement, the franchisee shall pursue and exhaust all available administrative remedies pursuant to law prior to pursuing any appropriate legal action.

G. The revocation or forfeiture of any franchise shall not affect any of the county's rights under the franchise or under any provision of law.

H. No enforcement remedy shall be imposed except in accordance with due process of law.

SECTION 120. Ordinance 10159, section 28, and K.C.C. 6.27A.260 are hereby amended to read as follows:

Administration. A. This chapter shall be implemented by means of administrative rules adopted by the King County department of executive ((administration))services in accordance with the provisions of K.C.C. chapter 2.98. These rules shall, at a minimum, contain requirements for applications for new franchises and franchise renewals, modifications and transfers, insurance coverage, security funds, letters of credit, restoration bonds, minimum facilities, service and line extensions, payment of franchise fees, reports and records, customer service, use of public rights-of-way, technical standards, and price arbitration. All rules shall comply with the intent of this chapter and with applicable federal, state((;)) and local law. All such rules shall have the force of law.

B. This chapter, the cable rules, and all franchise agreements shall be administered and enforced by the cable office. The functions of the cable office shall be to:

1. implement cable policy, this chapter, the cable rules((;)) and franchise agreements;
2. facilitate the resolution of complaints received from any person;
3. supervise government programming with respect to PEG operations or coordinate with any PEG access management authority designated by the county;
4. provide public information;
5. monitor cable policy and related developments in other jurisdictions and make recommendations

for changes to county cable television policy;

6. develop and maintain productive relationships with franchisees, other cable system operators, and interested community groups to assure responsiveness to the needs and interests of the community;

7. provide staff assistance to any cable-related advisory committee or regulatory agency hereafter established.

SECTION 121. Ordinance 10498, section 1, and K.C.C. 6.64.010 are hereby amended to read as follows:

Definitions. For the purposes of this chapter and unless the context plainly requires otherwise, the following definitions apply:

A. "Affiliated representative" means the individual within the service organization who has the authority to file special rates and contract agreement rates and charges for a group of affiliated taxicabs, and who is designated as the individual responsible for the receipt of any correspondence or notices pertaining to the service organization or the taxicabs or for-hire vehicles operating within the service organization.

B. "Affiliated taxicab" means a taxicab associated with a service organization.

C. "Alcohol" means a mixture containing no less than eighty-five percent methanol, ethanol or other alcohols, in any combination, by volume.

D. "Alternative fuel" means a means for propulsion by other than gasoline or diesel fuel and shall include:

1. Alcohol.
2. Dual energy.
3. Electricity.
4. Natural gas.
5. Propane.
6. Human powered.

E. "Approved mechanic facility" means a garage or repair facility who employs mechanics who have successfully passed the examinations of, and met the experience requirements prescribed by the National Institute for Automotive Service Excellence, and who have been awarded Certificates in Evidence of Competence satisfactory to the director, and who are Authorized Emission Specialists certified by the Washington Department of Ecology, and none of whom are the owner, lessee, or driver of a taxicab, or for-hire vehicle or the employee of a taxicab or for-hire vehicle company, and none of whom have a financial interest in a taxicab or for-hire vehicle or taxicab or for-hire vehicle company.

F. "Contract agreement rate" means the rate specified in a written agreement signed by both parties in advance of the dispatch of a taxicab or for-hire vehicle for the services identified in the contract.

G. "Director" means the director of the King County department of executive ~~((administration))~~ services and his or her duly appointed representatives.

H. "Dual energy" means capable of being operated using an alternative fuel and gasoline or diesel fuel.

I. "Engage in the business of operating a taxicab or vehicle for hire" means the pickup and transportation of any fare paying passenger from a point within the geographical confines of unincorporated King County, whether or not the vehicle is dispatched from a taxicab stand or office within any other municipal corporation, and whether or not the ultimate destination or route of travel is within the confines of unincorporated King County; provided, that nothing in this chapter shall be construed to apply to taxicabs or for-hire vehicles licensed by any other municipal corporation and transporting passengers from a point within the licensing municipality to a destination outside thereof, whether or not the ultimate destination or route traveled is within unincorporated King County.

J. "For-hire driver" means any person in control of, operating or driving a taxicab or for-hire vehicle and includes a lease driver, owner/operator, or driver of taxicabs or for-hire vehicles as an employee.

K. "For-hire vehicle" means and includes every motor vehicle used for the transportation of passengers for hire, and not operated exclusively over a fixed and definite route, except:

1. Taxicabs;
2. Passenger vehicles carrying passengers on a noncommercial enterprise basis;
3. Vehicles or operators expressly exempt by RCW from county regulation;
4. Operators of charter boats.

L. "He" means and includes in all references either he or she.

M. "His" means and includes in all references either his or her.

N. "Independent taxicab" means a taxicab that is not affiliated with a service organization.

O. "Lease driver" means a for-hire driver who is an independent contractor/sole proprietor and who has a taxicab for-hire vehicle lease contract or other form of agreement with a taxicab or for-hire vehicle owner or service organization.

P. "Lessor" means an owner of a taxicab or for-hire vehicle who leases, by contract or other form of agreement, to a lease driver as defined in this section.

Q. "Licensee" means all applicants, including for-hire drivers, vehicle owners, and service organizations including the affiliated representative required to license under the provisions of this chapter.

R. "Motor vehicle" means every motorized vehicle by or upon which any person may be transported or carried upon a public street, highway or alley; provided, that vehicles used exclusively upon stationary rail tracks or propelled by use of overhead electric wires shall not come under the provisions of this chapter.

S. "Service organization" means a group of taxicabs owned or operated by the same or various owners and using the same color scheme, trade name, dispatch services, and having an affiliated representative.

T. "Special rate" means discounted rates for senior citizens and disabled.

U. "Taxicab" means every motor vehicle used for the transportation of passengers for hire, where the route traveled or destination is controlled by a customer and the fare is based on an amount recorded and indicated on a taximeter, or on a special fare rate or contracted agreement as permitted by this chapter.

V. "Taxicab vehicle owner" means the registered owner of the vehicle as defined by RCW 46.04.460 as

now or hereafter amended.

W. "Taximeter" means any instrument or device by which the charge for hire of a passenger carrying vehicle is measured or calculated either for the distance traveled by such vehicle or for waiting time, or for both, and upon which such calculated charges shall be indicated by means of figures.

SECTION 122. Ordinance 8659, section 2, and K.C.C. 6.72.020 are hereby amended to read as follows:

Definitions. A. "Director" means the ~~((manager of the general services division, King County department of executive administration))~~director of the department of development and environmental services or his or her duly authorized representative.

B. "Minor" means any individual who is less than 18 years old.

C. "Retailer" means any person, firm, association, company, partnership or corporation who operates a store, stand, booth, concession or other place at which sales are made to purchasers for consumption or use.

D. "Sales conducted in person" means payment for the purchase of the tobacco item is received directly and in person from the purchaser by the seller or his employee. Tobacco vending machines which are located in plain view of the seller or his employee and controlled by an electronic device activated by the seller or his or her employee, upon the buyer's presentation of acceptable identification as required in ~~((Section))~~K.C.C. 6.72.040, shall be deemed "sales conducted in person."

E. "Tobacco vending machine" means and includes any machine or device designated for or used for the vending of cigarettes, cigars, tobacco or tobacco products upon the insertion of coins, trade checks or slugs.

SECTION 123. Ordinance 1603, section 1, and K.C.C. 6.76.010 are hereby amended to read as follows:

Definitions. The following words and terms, unless a different meaning clearly appears from the context, shall mean as follows:

A. "Charitable" means and includes the words patriotic, philanthropic, social service, welfare,

benevolent, educational, civic or fraternal, either actual or purported; provided, such term shall not include "religious" and "religion," which terms shall be given their commonly accepted definitions;

B. "Contributions" means and includes alms, food, clothing, money, credit, subscription, property, financial assistance or other thing of value and including any donations under the guise of a loan of money or property;

C. "Direct gift" means and includes an outright contribution of food, clothing, money, credit, property, financial assistance or other thing of value to be used for a charitable or religious purpose and for which the donor receives no consideration or thing of value in return;

D. "Director" means the ~~((manager of the business license division of general services of the county of King))~~ director of the department of development and environmental services, or his or her duly authorized representative;

E. "Person" means any individual, firm, partnership, corporation, company, association or joint stock association, church, religious sect, religious denomination, society, organization or league, and includes any trustee, receiver, assignee, agent or other similar representative thereof;

F. "Promoter" means any person who promotes, manages, supervises, organizes or attempts to promote, manage, supervise or organize a campaign of solicitation, but shall not include either a bona fide full-time salaried officer or employee of a charitable organization whose salary or other compensation is not computed on funds raised or to be raised, or a temporary employee who is employed to contact volunteer workers by telephone but who may not himself solicit contributors directly;

G. "Sale and benefit affair" means and includes, but is not limited to, athletic or sports event, bazaar, benefit, campaign, circus, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale, social gathering, theater or variety show, which the public is requested to patronize or attend or to which the public is requested to make a contribution for any charitable or religious purpose connected therewith;

H. "Solicit" and "solicitation" mean the request within the county directly or indirectly of money,

credit, property, financial assistance or other thing of value on the plea or representation that such money, credit, property, financial assistance or other thing of value will be used for a charitable or religious purpose, and include:

1. Any oral or written request,
2. The distribution, circulation, mailing, posting or publishing of any handbill, written advertisement of publication,
3. The making of any announcement to the press, by radio or television, by telephone or telegraph concerning an appeal, assemblage, athletic or sports event, bazaar, benefit, campaign, circus, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale, social gathering, theater or variety show, which the public is requested to patronize or to which the public is requested to make a contribution for any charitable or religious purpose connected therewith,
4. The sale of, offer or attempt to sell any advertisement, advertising space, book, card, chance, coupon, device, magazine, membership, subscription, ticket, admission, article or other thing in connection with which any appeal is made for any charitable or religious purpose, or where the name of any charitable or religious organization, association or person is used or referred to in any such appeal or where in connection with any such sale, any statement is made that the whole or any part of the proceeds from any such sale will go or be donated to any charitable or religious purpose.

A "solicitation" shall be deemed completed when made, whether or not the person making the same received any contribution or makes any sale referred to in this section.

SECTION 124. Ordinance 5225, section 2 (part), as amended, and K.C.C. 7.08.010 are hereby amended to read as follows:

Generally. All persons using King County owned and operated park and recreation facilities shall pay the service fees, which include taxes, where applicable, set forth in the following schedules in this chapter, effective January 1, 1987. Specific service fees may also be established administratively by the parks and

recreation division of the department of natural resources and parks ((division)) within the range of charges authorized by this chapter.

SECTION 125. Ordinance 6798, section 1, as amended, and K.C.C. 7.12.010 are hereby amended to read as follows:

Definitions. Whenever used in this chapter the following terms shall be defined as herein indicated:

A. "Aircraft" means any machine or device designed to travel through the air including but not limited to: airplanes, helicopters and balloons;

B. "Alcoholic beverages" or "liquor" includes the four varieties of liquor defined as alcohol, spirits, wine and beer, all fermented, spirituous, vinous, or malt liquor, and all other intoxicating beverages, and every liquor, solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer; all drinks or drinkable liquids and all preparations or mixtures capable of human consumption. Any liquor, semisolid, solid or other substance which contains more than one percent alcohol by weight shall be conclusively deemed to be intoxicating;

C. "Associated marine area" means any water area within one hundred feet of any "King County trail, open space, park area" or "marine facility" such as a dock, pier, float, buoy, log boom, or other object which is part of a "King County park area", provided that such area does not include private property;

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

E. "Camper" means a motorized vehicle containing sleeping and/or housekeeping accommodations, and shall include a pickup truck with camper, a van-type body, a converted bus, or any similar type vehicle;

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

G. "Campsite" means designated camping sites which are designated for the use of tent campers, and

which have no water and/or electrical facilities available for hookup to a trailer or a camper;

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

I. "Department" means ~~((any division of))~~the King County department of natural resources and parks~~((and cultural resources department))~~.

J. "Division" means the parks and recreation division of the department of natural resources and parks;

~~((j))~~K. "Facility" or "facilities" means any building, structure, or park area operated by the King County ~~((parks and cultural resources))~~department of natural resources and parks;

~~((K))~~L. "Facility manager" or "manager" means a duly appointed employee of the King County department of natural resources and parks~~((and cultural resources department employee))~~;

~~((L))~~M. "King County open space, trail or park area" means any area under the ownership, management, or control of the ~~((parks and cultural resources))~~department of natural resources and parks;

~~((M))~~N. "Director" means ~~((department))~~director of the King County~~((natural resources and parks division) parks and cultural resources))~~ department of natural resources and parks;

~~((N))~~O. "Motor vehicle" means any self-propelled device capable of being moved upon a road, and in, upon, or by which any persons or property may be transported or drawn, and shall include, but not be limited to, automobiles, trucks, motorcycles, motor scooters, jeeps or similar type four-wheel drive vehicles, and snowmobiles, whether or not they can be legally operated upon the public highways;

~~((O))~~P. "Person" means all persons, groups, firms, partnerships, corporations, clubs, and all associations or combination of persons whenever acting for themselves or as an agent, servant, or employee;

~~((P))~~Q. "Rocket" means any device containing a combustible substance which when ignited propels the

device forward;

((Q))R. "Trail" means any path, track, or right-of-way designed for use by pedestrians, bicycles, equestrians, or other non-motorized modes of transportation;

((R))S. "Trailer" means a towed vehicle which contains sleeping or housekeeping accommodations; and

((S))T. "Trailer site" means a designated camping site which has water and/or electrical facilities available for hookup, and which is designed for the use of persons with trailers or campers.

SECTION 126. Ordinance 6798, section 69, as amended, and K.C.C. 7.12.690 are hereby amended to read as follows:

Responsibilities. Park safety is the responsibility of both the department of public safety and the department of natural resources and parks~~((, cultural and natural resources))~~. Specific responsibilities include the following:

A. ~~((Parks, cultural and natural resources department))~~Department of natural resources and parks:

1. Enforcing rules of conduct set forth in the ordinance for which department personnel have appropriate authority.
2. Developing and implementing public awareness programs regarding the purpose of the facilities and the rules governing their use.
3. Encouraging voluntary compliance with rules based on awareness.
4. Training department personnel in the appropriate use of administrative sanctions as a means of park rule enforcement.
5. Notification of law enforcement officers who have primary jurisdiction in a particular geographic area whenever department personnel observe violations of park rules requiring further law enforcement authority or other violations of local, state, or federal laws; whenever there is an emergency requiring law enforcement assistance; or whenever they need assistance in executing their responsibilities pursuant to this

chapter.

B. Public safety department:

1. Deputizing and training of personnel authorized to issue citations for infractions and misdemeanor offenses.
2. Providing supplementary patrols in natural resources and parks facilities as jointly determined by the director of the department of natural resources and parks~~((, cultural and natural resources))~~ and the ~~((director of the department of public safety))~~county sheriff.
3. Responding, as appropriate, to requests from department personnel for assistance in situations beyond their capacity or authority to act.

SECTION 127. Resolution 36164, as amended, and K.C.C. 7.16.010 are hereby amended to read as follows:

Lease for recreation use. It is the policy of King County to accept the dedication of land for open space and recreational uses, provided it meets park criteria, or in the opinion of the ~~((planning agency))~~ department of natural resources and parks, the land represents a desirable or necessary open space, and that in accepting the dedication the county does not accept responsibility for maintenance unless or until the land is developed to a standard acceptable to the county and provided further that by the dedication King County is given the right to lease the lands for open space or recreation use and development to duly constituted neighborhood or community organizations or special districts who would be responsible for development or maintenance.

SECTION 128. Ordinance 9163, section 2, as amended, and K.C.C. 9.04.020 are hereby amended to read as follows:

Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

A. "Adjustment" means a department approved variation in the application of the requirements of K.C.C. 9.04.050 and the Surface Water Design Manual to a particular project in accordance with K.C.C.

9.04.050C. The term adjustment replaces "variance" which had been used in prior editions of the Surface Water Design Manual.

B. "Applicant" means a property owner or a public agency or public or private utility which owns a right-of-way or other easement or has been adjudicated the right to such an easement pursuant to RCW 8.12.090, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval.

C. "Basin" means a drainage area which drains either to the Cedar, Green, Snoqualmie, Skykomish or White rivers, or the drainage areas which drain directly to Puget Sound.

D. "Basin Plan" means a plan and all implementing regulations and procedures including, but not limited to, capital projects, public education activities and land use management adopted by ordinance for managing surface and storm water management facilities and features within individual subbasins.

E. "Closed depression" means an area which is low-lying and either has no, or such a limited, surface water outlet that during storm events the area acts as a retention basin, with more than five thousand square feet at overflow elevation.

F. "Construct or modify" means to install a new drainage pipe or ditch or make improvements to an existing drainage pipe or ditch (other than routine maintenance, repair or emergency modifications, excluding driveway culverts installed as part of single-family residential building permits) that either serves to concentrate previously unconcentrated surface and storm water runoff, or serves to increase, decrease and/or redirect the conveyance of surface and storm water runoff.

G. "Conveyance system" means the drainage facilities and features, both natural and constructed, which collect, contain and provide for the flow of surface and storm water from the highest points on the land down to a receiving water. The natural elements of the conveyance system include swales and small drainage courses, streams, rivers, lakes and wetlands. The constructed elements of the conveyance system include gutters, ditches, pipes, channels and most flow control and water quality treatment facilities.

H. "Department" means the department of natural resources and parks or its successor organization.

I. "Development" means any activity that requires a permit or approval, including, but not limited to, a building permit, grading permit, shoreline substantial development permit, conditional use permit, special use permit, zoning variance or reclassification, subdivision, short subdivision, urban planned development, binding site plan, site development permit or right-of-way use permit.

J. "Director" means the director of the department of natural resources and parks, or any duly authorized representative of such director.

K. "Drainage" means the collection, conveyance, containment and/or discharge of surface and storm water runoff.

L. "Drainage facility" means a constructed or engineered feature that collects, conveys, stores or treats surface and storm water runoff. Drainage facilities shall include, but not be limited to, constructed or engineered streams, pipelines, channels, ditches, gutters, lakes, wetlands, closed depressions, flow control or water quality treatment facilities, erosion and sediment control facilities and other structures and appurtenances that provide for drainage.

M. "Drainage review" means an evaluation by King County staff of a proposed project's compliance with the drainage requirements in the Surface Water Design Manual.

N. "Erosion and sediment control" means any temporary or permanent measures taken to reduce erosion, control siltation and sedimentation and ensure that sediment-laden water does not leave the site.

O. "Financial guarantee" means a form of financial security posted to ensure timely and proper completion of improvements, to ensure compliance with the King County Code, and/or to warranty materials, workmanship of improvements and design. Financial guarantees include assignments of funds, cash deposit, surety bonds and/or other forms of financial security acceptable to the director of the department of development and environmental services. For the purposes of this chapter, the terms performance guarantee, maintenance guarantee and defect guarantee are considered sub-categories of financial guarantee.

P. "Flow control facility" means a drainage facility designed to mitigate the impacts of increased surface and storm water runoff generated by site development pursuant to the drainage requirements in this chapter. Flow control facilities are designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration and/or infiltration into the ground or to hold runoff for a short period of time and then release it to the conveyance system.

Q. "Full drainage review" means the basic evaluation required by K.C.C. 9.04.030 for any proposed project that:

1. Adds five thousand square feet or more of new impervious surface;
2. Is located in a landslide hazard drainage area as mapped in the Surface Water Design Manual and adds two thousand square feet or more of new impervious surface; or
3. Is a redevelopment project proposing five hundred thousand dollars or more of site improvements which creates five thousand square feet or more of contiguous pollutant-generating impervious surface through any combination of new and/or replaced impervious surface.

R. "High-use site" means a commercial, industrial or road intersection site that generates a higher than average number of vehicle turnovers or has other characteristics that generate the potential for chronic oil accumulation. High use sites include:

1. Commercial or industrial sites subject to:
 - a. an expected daily traffic count greater than one hundred vehicles per one thousand square feet of gross building area;
 - b. petroleum storage or transfer in excess of one thousand gallons per year, not including routine fuel oil storage or transfer; or
 - c. use, storage or maintenance of a fleet of twenty-five or more diesel vehicles each weighing over ten tons; or
2. Road intersections with average daily traffic counts of twenty-five thousand vehicles or more on the

main roadway and fifteen thousand or more vehicles on any intersecting roadway (excluding pedestrian or bicycle use improvement projects).

S. "Hydraulically connected" means connected through surface flow or water features such as wetlands or lakes.

T. "Impervious surface" means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, areas which are paved, graveled or made of packed or oiled earthen materials or other surfaces which similarly impede the natural infiltration of surface and storm water. Open uncovered flow control or water quality treatment facilities shall not be considered as impervious surfaces.

U. "Improvement" means streets (with or without curbs or gutters), sidewalks, crosswalks, parking lots, water mains, sanitary and storm sewers, drainage facilities, street trees and other appropriate items.

V. "Lake management plan" means a plan describing the lake management recommendations and requirements adopted by public rule for managing water quality within individual lake basins.

W. "Large site drainage review" means the evaluation required by K.C.C. 9.04.030 for any proposed project that:

1. Has an urban plan development ((UPD), as defined in K.C.C. 21A.06.1340) land use designation in the King County Comprehensive Plan land use map;
2. Would, at full buildout of the project site, result in fifty acres or more of new impervious surface with a drainage subbasin or a number of subbasins hydraulically connected across subbasin boundaries; or
3. Is on a site of fifty acres or more within the recharge area of a sole-source aquifer designated by the federal Environmental Protection Agency and depicted as such on the areas highly susceptible to groundwater

contamination map adopted as part of the King County Comprehensive Plan.

X. "Licensed civil engineer" means a person registered with the State of Washington as a professional engineer in civil engineering.

Y. "Master drainage plan" means a comprehensive drainage control plan intended to prevent significant adverse impacts to the natural and constructed drainage system, both on- and off-site.

Z. "Pollution-generating impervious surface" means an impervious surface considered to be a significant source of pollutants in surface and storm water runoff. Such surfaces include those subject to vehicular use or storage of erodible or leachable materials, wastes or chemicals and which receive direct rainfall or the run-on or blow-in of rainfall. Thus, a covered parking area would be included if runoff from uphill could regularly run through it or if rainfall could regularly blow in and wet the pavement surface. Metal roofs are also considered pollution-generating impervious surface unless they are treated to prevent leaching.

AA. "Pollution-generating pervious surface" means a nonimpervious surface with vegetative ground cover subject to use of pesticides and fertilizers. Such surfaces include, but are not limited to, the lawn and landscaped areas of residential or commercial sites, golf courses, parks and sports fields.

BB. "Preapplication" means either the meeting(((s) and/)) or meetings or form(((s))) or forms, or both, used by applicants for some development permits to present initial project intentions to the department of development and environmental services or its successor agency. Preapplication does not mean application.

CC "Project" means any proposed action to alter or develop a site which may also require drainage review.

DD. "Project site" means the portion of a site subject to proposed project activities, alterations and improvements including those required by this chapter.

EE. "Redevelopment project" means a project that proposes to add, replace and/or alter impervious surface for purposes other than routine maintenance, resurfacing, regrading, or repair on a site that is already substantially developed (thirty-five percent or more existing impervious surface coverage).

FF. "Runoff" means water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow ground water.

GG. "Shared facility" means a drainage facility designed to meet one or more of the requirements of K.C.C. 9.04.050 for two or more separate projects contained within a basin as defined in K.C.C. 9.04.020. Shared facilities usually include shared financial commitments for those drainage facilities.

HH. "Small site drainage review" means a simplified alternative to full drainage review required by K.C.C. 9.04.030 allowed for proposed single-family residential projects that add ten thousand square feet or less of new impervious surface.

II. "Site" means the legal boundaries of the parcel or parcels of land for which an applicant has or should have applied for authority from King County to carry out a development activity including any drainage improvements required by this chapter.

JJ. "Subbasin" means a drainage area which drains to a water course or water body named and noted on common maps and which is contained within a basin as defined in K.C.C. 9.04.020.

KK. "Surface and storm water" means water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow ground water.

LL. "Surface Water Design Manual" means the manual (and supporting documents as appropriate) describing surface and storm water design and analysis requirements, procedures and guidance which has been formally adopted by rule under the procedures specified in K.C.C. chapter 2.98. The Surface Water Design Manual is available from the department of development and environmental services or the department of natural resources and parks, water and land resources division or their successor agencies.

MM. "Targeted drainage review" means an abbreviated evaluation required by K.C.C. 9.04.030 for certain types of proposed projects which are not subject to full or large site drainage review. Targeted drainage

review may be required for some projects in small site drainage review.

NN. "Water quality treatment facility" means a drainage facility designed to reduce pollutants once they are already contained in surface and storm water runoff. Water quality treatment facilities are the structural component of best management practices (BMPs). When used singly or in combination, water quality facilities reduce the potential for contamination of surface and/or ground waters.

SECTION 129. Ordinance 2281, section 6, as amended, and K.C.C. 9.04.070 are hereby amended to read as follows:

Engineering plans for the purposes of drainage review. A. Where to submit.

1. All engineering plans shall be submitted to the department of development and environmental services for review in accordance with the Surface Water Design Manual except those drainage plans developed by, or under the review of, the department of natural resources and parks for either surface and storm water capital improvement, repair, maintenance or restoration projects or other government agency projects that are linear in shape, such as roadways, railways, pipelines, utility lines and trails. If engineering plans are returned for any reason, they shall be returned to the applicant.

2. All master drainage plans, if required, shall be submitted to the department of development and environmental services for review in accordance with the specifications in the Surface Water Design Manual. The master drainage plan process should commence at the same time as the State Environmental Policy Act (SEPA) process.

3. All drainage plans not subject to review by the department of development and environmental services pursuant to subsection 1 shall be reviewed by the department of natural resources and parks in accordance with K.C.C. 9.04.050. Project applicability and compliance with K.C.C. 9.04.050 shall be documented in writing and available for review.

B. Expiration. The expiration time frames as specified in the Surface Water Design Manual shall apply to all permit and approval applications.

C. Processing. All plans shall be processed in accordance with the review procedures specified in the Surface Water Design Manual.

D. Contents. All submittal procedures, definitions and specifications for the required contents of engineering plans are presented in the Surface Water Design Manual.

SECTION 130. Ordinance 13191, section 10, and K.C.C. 9.04.115 are hereby amended to read as follows:

Drainage facilities accepted by King County for maintenance. A. King County is responsible for the maintenance, including performance and operation, of drainage facilities which have formally been accepted for maintenance by the director.

B. King County may assume maintenance of privately maintained drainage facilities only if the following conditions have been met:

1. All necessary easements or dedications entitling the county to properly maintain the drainage facility have been conveyed to the county;

2. The director has determined that the facility is in the dedicated public road right-of-way or that maintenance of the facility will contribute to protecting or improving the health, safety and welfare of the community based upon review of the existence of or potential for:

- a. flooding,
- b. downstream erosion,
- c. property damage due to improper function of the facility,
- d. safety hazard associated with the facility,
- e. degradation of water quality or in-stream resources, or
- f. degradation to the general welfare of the community; and

3. The director has declared in writing acceptance of maintenance responsibility by the county.

Copies of this document will be kept on file in the department of natural resources and parks, water and land

resources division.

C. The director may terminate the department's assumption of maintenance responsibilities in writing after determining that continued maintenance will not significantly contribute to protecting or improving the health, safety and welfare of the community based upon review of the existence of or potential for:

1. Flooding,
2. Downstream erosion,
3. Property damage due to improper function of the facility,
4. Safety hazard associated with the facility,
5. Degradation of water quality or in-stream resources, or
6. Degradation to the general welfare of the community.

Copies of this document will be kept on file in the department of natural resources and parks, water and land resources division.

D. A drainage facility which does not meet the criteria of this section shall remain the responsibility of the applicant required to construct the facility and persons holding title to the property for which the facility was required.

SECTION 131. Ordinance 4938, section 12, as amended, and K.C.C. 9.04.140 are hereby amended to read as follows:

Administration. A. Administration.

1. The director is authorized to promulgate and adopt administrative rules under the procedures specified in K.C.C. chapter 2.98, for the purpose of implementing and enforcing the provisions of this chapter. Adopted administrative rules are available to the public from the department of development and environmental services or the department of natural resources and parks, water and land resources division. This includes, but is not limited to, the Surface Water Design Manual.

2. The director of department of development and environmental services is authorized to develop

procedures for applying adopted rules and regulations during the review of permit applications for the development of land. These procedures may also be contained in the Surface Water Design Manual.

B. Inspections. The director is authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

C. Right of entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, monitor for proper function of drainage facilities or whenever the director has reasonable cause to believe that violations of this chapter are present or operating on a subject property or portion thereof, the director may enter such premises at all reasonable times to inspect the same or perform any duty imposed upon the director by this chapter; provided that, if such premises or portion thereof is occupied, the director shall first make a reasonable effort to locate the owner or other person having charge or control of the premises or portion thereof and demand entry.

D. Access. Proper ingress and egress shall be provided to the director to inspect, monitor or perform any duty imposed upon the director by this chapter. The director shall notify the responsible party in writing of failure to comply with this access requirement. Failing to obtain a response within seven days from the receipt of notification the director may order the work required completed or otherwise address the cause of improper access. The obligation for the payment of all costs that may be incurred or expended by the county in causing such work to be done shall thereby be imposed on the person holding title to the subject property.

SECTION 132. Ordinance 7590, section 1, as amended, and K.C.C. 9.08.010 are hereby amended to read as follows:

Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

A. "Basin plan" means a plan and all implementing regulations and procedures including but not limited to capital projects, public education activities, land use management regulations adopted by ordinance for managing surface and storm water management facilities and features within individual subbasins.

B. "County" means King County.

C. "Department" means the department of natural resources and parks or its successor agency.

D. "Developed parcel" means any parcel altered from the natural state by the construction, creation or addition of impervious surfaces.

E. "Director" means the director of the department of natural resources and parks or its successor agency or the director's designee.

F. "Division" means the department of natural resources and parks, water and land resources division or its successor agency.

G. "Lake management plan" means the plan, and supporting documents as appropriate, describing the lake management recommendations and requirements which has been formally adopted by rule under the procedures specified in K.C.C. chapter 2.98. Adopted lake management plans are available from the division and the department of development and environmental services. A synopsis of adopted lake management plans will be distributed to all Surface Water Design Manual subscribers as part of the manual's routine update process.

H. "Drainage facility" means the system of collecting, conveying, and storing surface and storm water runoff. Drainage facilities shall include but not be limited to all surface and storm water conveyance and containment facilities including streams, pipelines, channels, ditches, swamps, lakes, wetlands, closed depressions, infiltration facilities, retention/detention facilities, erosion/sedimentation control facilities and other drainage structures and appurtenances, both natural and constructed.

I. "Impervious surface" means a hard surface area which either prevents or retards the entry of water into the soil mantle as it entered under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, areas which are paved, graveled or made of packed or oiled earthen materials or other surfaces which similarly impede the natural infiltration of

surface and storm water. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purpose of this chapter.

J. "Land use code" means restrictions on the type of development for a specific parcel of land as identified by records maintained by the King County department of assessments as modified or supplemented by information resulting from investigation by the division. Land use codes are preliminary indicators of the extent of impervious surface and are used in the initial analysis to assign an appropriate rate category for a specific parcel.

K. "Maintenance" means the act or process of cleaning, repairing or preserving a system, unit, facility, structure or piece of equipment.

L. "Natural surface water drainage system" means such landscape features as rivers, streams, lakes and wetlands. This system circulates water in a complex hydrological cycle.

M. "Open space" means any parcel, property or portion thereof classified for current use taxation under K.C.C. chapter 20.36 and chapter 84.34 RCW, or for which the development rights have been sold to King County under K.C.C. chapter 26.04. This definition includes lands which have been classified as open space, agricultural or timber lands under criteria contained in K.C.C. chapter 20.36 and chapter 84.34 RCW.

N. "Parcel" means the smallest separately segregated unit or plot of land having an identified owner, boundaries and surface area which is documented for property tax purposes and given a tax lot number by the King County assessor.

O. "Person" means any individual, firm, company, association, corporation or governmental agency.

P. "Program" means the surface water management program as set forth in this chapter.

Q. "Rate category" means the classification in this chapter given to a parcel in the service area based upon the type of land use on the parcel and the percentage of impervious surface area contained on the parcel.

R. "Residence" means a building or structure or portion thereof, designed for and used to provide a place of abode for human beings. The term residence includes the term "residential" or "residential unit" as

referring to the type of or intended use of a building or structure.

S. "Residential parcel" means any parcel which contains no more than three residences or three residential units which are within a single structure and is used primarily for residential purposes.

T. "Retention/detention facility" means a type of drainage facility designed either: to hold water for a considerable length of time and then release it by any combination of evaporation, plant transpiration and infiltration into the ground; or to hold runoff for a short period of time and then release it to the surface and storm water management system.

U. "Service area" means unincorporated King County.

V. "Storm water plan" means a King County ordinance specifying the storm water control facilities that will be funded by a bond issue.

W. "Surface and storm water management services" means the services provided by the surface water management program, including but not limited to basin planning, facilities maintenance, regulation, financial administration, public involvement, drainage investigation and enforcement, aquatic resource restoration, surface and storm water quality and environmental monitoring, natural surface water drainage system planning, intergovernmental relations and facility design and construction.

X. "Subbasin" means a drainage area which drains to a water course or water body named and noted on common maps and which is contained within a basin as defined in K.C.C. 9.04.020.

Y. "Surface and storm water" means water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow ground water.

Z. "Surface and storm water management system" means constructed drainage facilities and any natural surface water drainage features that do any combination of collection, storing, controlling, treating or conveying surface and storm water.

AA. "Undeveloped parcel" means any parcel which has not been altered from its natural state by the construction, creation or addition of impervious surface.

SECTION 133. Ordinance 7590, section 14, as amended, and K.C.C. 9.08.110 are hereby amended to read as follows:

Surface water management fund. All service charges shall be deposited in the surface water management fund in the ~~((office of))~~finance and business operations division which fund is hereby created to be used only for the purpose of paying all or any part of the cost and expense of providing surface water management services, or to pay or secure the payment of all or any portion of any issue of general obligation or revenue bond issued for that purpose. Moneys in the fund not needed for immediate expenditure shall be invested for the benefit of the surface water management fund pursuant to the first paragraph of RCW 36.29.020 and such procedures and limitations as are contained in county ordinance, but sufficient funds shall be transferred no later than the end of the fiscal year in which they were first appropriated for capital projects appropriated in the surface and storm water management construction fund beginning in fiscal year 1988. The program's funds balances and other financial resources will be invested conservatively to match strong security of principal with market rates of return. For investment purposes the director of the department of natural resources and parks is hereby designated the fund manager.

SECTION 134. Ordinance 10636, section 3, as amended, and K.C.C. 9.12.015 are hereby amended to read as follows:

Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

A. "AKART" means an acronym for "all known, available, and reasonable methods of prevention, control, and treatment." AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution.

B. "Best management practices" or "BMPs" mean the best available and reasonable physical, structural, managerial, or behavioral activities, that when used singly or in combination, eliminate or reduce the contamination of surface and/or ground waters.

C. "Chapter" means this chapter and any administrative rules and regulations adopted to implement this chapter.

D. "Clean Water Act" means 33 U.S.C. 1251 et. seq., as amended.

E. "County" means the municipality of King County.

F. "Director" means the director of the King County department of ~~((public works))~~natural resources and parks, other department directors specified in enforcement procedures established pursuant to this chapter, or any duly authorized representatives of such directors.

G. "Discharge" means to throw, drain, release, dump, spill, empty, emit, or pour forth any matter or to cause or allow matter to flow, run, or seep from land or be thrown, drained, released, dumped, spilled, emptied, emitted or poured into water.

H. "Drainage facility" means the system that collects, conveys, and stores surface and storm water runoff. Drainage facilities shall include but not be limited to all surface and storm water conveyance and containment facilities including streams, pipelines, channels, ditches, swamps, lakes, wetlands, closed depressions, infiltration facilities, retention/detention facilities, erosion/sedimentation control facilities and other drainage structures and appurtenances, both natural and artificial.

I. "Farm management plan" means a comprehensive site-specific plan developed by the farm owner in cooperation with the King County Conservation District taking into consideration the land owners objectives while protecting water quality and related natural resources.

J. "Forest practices" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, as defined in Chapter 222-16 Washington Administrative Code.

K. "Ground water" means all waters that exist beneath the land surface or beneath the bed of any stream, lake~~((;))~~ or reservoir, or other body of surface water, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves.

L. "National Pollutant Discharge Elimination System" or "NPDES" means the national program for

controlling pollutants from point source discharges directly into waters of the ((U.S.)) United States under the Clean Water Act.

M. "National Pollutant Discharge Elimination System permit" means an authorization, license, or equivalent control document issued by the Environmental Protection Agency or the Washington State Department of Ecology to implement the requirements of the NPDES program.

N. "Person" means an individual, their agents or assigns; municipality; political subdivision; government agency; partnership; corporation; business; or any other entity.

O. "Source control BMP" means a BMP intended to prevent contaminants from entering surface and storm water and/or ground water including the modification of processes to eliminate the production or use of contaminants. Source control BMPs can be either structural or non((-))structural. Structural source control BMPs involve the construction of a physical structure on site, or other type of physical modification to a site; for example, building a covered storage area. A non-structural source control BMP involves the modification or addition of managerial or behavioral practices; for example, using less toxic alternatives to current products or sweeping parking lots.

P. "State Waste Discharge Permit" means an authorization, license, or equivalent control document issued by the Washington State Department of Ecology in accordance with Chapter 173-216 Washington Administrative Code.

Q. "Storm Water BMP Manual" or "manual" means the manual (and supporting documents as appropriate) describing best management practices, design, maintenance, procedures, and guidance which has been approved by the King County council.

R. "Surface and storm water" means water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow ground water.

S. "Treatment BMP" means a BMP intended to remove contaminants once they are already contained in storm water. Examples of treatment BMPs include: oil/water separators, biofiltration swales, and wet-

settling basins.

SECTION 135. Ordinance 10636, section 4, as amended, and K.C.C. 9.12.025 are hereby amended to read as follows:

Discharges into King County waters. A. Prohibited discharges.

1. It is unlawful for any person to discharge any contaminants into surface and storm water, ground water, or Puget Sound. Contaminants include, but are not limited, to the following:

- a. trash or debris;
- b. construction materials;
- c. petroleum products including but not limited to oil, gasoline, grease, fuel oil, heating oil;
- d. antifreeze and other automotive products;
- e. metals in either particulate or dissolved form;
- f. flammable or explosive materials;
- g. radioactive material;
- h. batteries;
- i. acids, alkalis, or bases;
- j. paints, stains, resins, lacquers, or varnishes;
- k. degreasers and/or solvents;
- l. drain cleaners;
- m. pesticides, herbicides, or fertilizers;
- n. steam cleaning wastes;
- o. soaps, detergents, or ammonia;
- p. swimming pool backwash;
- q. chlorine, bromine, and other disinfectants;
- r. heated water;

- s. domestic animal wastes;
- t. sewage;
- u. recreational vehicle waste;
- v. animal carcasses;
- w. food wastes;
- x. bark and other fibrous materials;
- y. collected lawn clippings, leaves, or branches;
- z. silt, sediment, or gravel;
- aa. dyes (except as stated in subsection C.1. of this section);
- bb. chemicals, not normally found in uncontaminated water;
- cc. any hazardous material or waste, not listed above.

2. Illicit connections. Any connection, identified by the director, that could convey anything not composed entirely of surface and storm water directly to surface and storm water or ground water is considered an illicit connection and is prohibited with the following exceptions: connections conveying allowable discharges, connections conveying discharges pursuant to an NPDES permit (other than an NPDES storm water permit) or a State Waste Discharge Permit, and connections conveying effluent from onsite sewage disposal systems to subsurface soils.

B. Allowable discharges. The following types of discharges shall not be considered prohibited discharges for the purpose of this chapter unless the director (~~((of public works))~~) determines that the type of discharge, whether singly or in combination with others, is causing significant contamination of surface and storm water or ground water:

- 1. Potable water;
- 2. Potable water line flushing;
- 3. Uncontaminated water from crawl space pumps or footing drains;

4. Lawn watering;
5. Residential car and boat washing;
6. Dechlorinated swimming pool water;
7. Materials placed as part of an approved habitat restoration or bank stabilization project;
8. Natural uncontaminated surface water or ground water;
9. Flows from riparian habitats and wetlands;
10. The following discharges from boats: engine exhaust, cooling waters, effluent from sinks, showers and laundry facilities and treated sewage from Type I and Type II marine sanitation devices;
11. Common practices for water well disinfection; and
12. Other types of discharges as determined by the director(~~(of public works)~~).

C. Exceptions.

1. Dye testing is allowable but requires verbal notification to the King County (~~(surface water management)~~)water and land resources division at least one day prior to the date of test. The King County health department is exempt from this requirement.

2. If a person has properly designed, constructed, implemented and is maintaining BMPs, and is carrying out AKART as required by this chapter, and contaminants continue to enter surface and storm water or ground water; or the person can demonstrate that there is no additional contaminants being discharged from the site above the background conditions of the water entering the site; that person shall not be in violation of subsection A. of this section. (~~(The said)~~)Such person, however, is still liable for prohibited discharges through illicit connections, dumping, spills, improper maintenance of BMPs, or other discharges that allow contaminants to enter surface and storm water or ground water.

3. Emergency response activities or other actions that must be undertaken immediately or within a time too short to allow full compliance with this chapter, to avoid an imminent threat to public health or safety, shall be exempt from this section. The director(~~(of public works)~~) may specify actions that qualify for this

exception in county procedures. The person responsible for emergency response activities should take steps to ensure that the discharges resulting from such activities are minimized to the greatest extent possible. In addition, this person shall evaluate BMPs and the site plan, where applicable, to restrict recurrence.

SECTION 136. Ordinance 10636, section 5, as amended, and K.C.C. 9.12.035 are hereby amended to read as follows:

Best management practices. A. Best management practices.

1. The King County ((~~surface water management~~))water and land resources division shall develop a Storm Water Best Management Practices Manual and present this manual to the King County council for approval. The manual shall present BMPs and procedures for existing facilities and activities and for new development activities not covered by the King County surface water design manual. At a minimum, the manual shall describe the types of regulated activities; the types of contaminants generated by each activity, and the contaminant's effect on water quality; the required source control BMPs and available treatment BMPs, including information on design and maintenance; allowable use of alternative BMPs; and a schedule for BMP implementation.

2. In applying the BMP manual, the director shall first require the implementation of source control BMPs. If these are not sufficient to prevent contaminants from entering surface and storm water or ground water, the director may require implementation of treatment BMPs, according to AKART. The King County ((~~surface water management~~))water and land resources division will provide, upon reasonable request, available technical assistance materials and information, and information on outside financial assistance options to persons required to comply with this chapter.

B. Exemptions.

1. Persons implementing BMPs through another federal, state, or local program will not be required to implement the BMPs prescribed in the county's manual, unless the director determines the alternative BMPs to be ineffective at reducing the discharge or contaminants. If the other program requires the development of a

best management practices plan, the person shall make their plan available to King County upon request.

Persons who qualify for exemptions include, but are not limited to, persons who are:

- a. required to obtain a general or individual NPDES permit for storm water discharges from the Washington State Department of Ecology;
- b. implementing and maintaining, as scheduled, a King Conservation District-approved farm management plan;
- c. permitted under a Washington State Department of Ecology NPDES general or individual permit for commercial dairy operations;
- d. implementing BMPs in compliance with K.C.C. 21A.30 - Development Standards: Animals, Home Occupation, Home Industry;
- e. implementing BMPs in compliance with the management program of the county's municipal NPDES permit;
- f. engaged in forest practices, with the exception of forest practices occurring on lands platted after January 1, 1960, or on lands being converted to another use, or where regulatory authority is otherwise provided to local government by RCW 76.09.240; or
- g. identified by the director ((~~of public works~~)) as being exempt from this section.

2. Persons conducting normal single family residential activities will not be required to implement the BMPs prescribed in the county's manual, unless the director determines that these activities pose a hazard to public health, safety, or welfare; endanger any property; or adversely affect the safety and operation of county right-of-way, utilities, and/or other property owned or maintained by the county. The county council intends to consider the application of BMPs to single family residential activities after completion of the Storm Water Best Management Practices Manual.

SECTION 137. Ordinance 10636, section 6, as amended, and K.C.C. 9.12.045 are hereby amended to read as follows:

Administration. The director is authorized to implement the provisions of this chapter. The director (~~of public works~~)) is authorized to promulgate and adopt administrative rules and regulations under the procedures specified in K.C.C. chapter 2.98 for the purpose of implementing and enforcing the provisions of this chapter. The director (~~of public works~~)) will coordinate the implementation and enforcement of this chapter with other departments of King County government.

SECTION 138. Ordinance 10636, section 7, as amended, and K.C.C. 9.12.050 are hereby amended to read as follows:

Enforcement. A. The director is authorized to carry out enforcement actions pursuant to the enforcement and penalty provisions of K.C.C. Title 23 and other enforcement provisions adopted by rule under the procedures of K.C.C. chapter 2.98.

B. The director shall gain compliance with this chapter by requiring the implementation of BMPs and, when necessary, AKART. The director shall initially rely on education and informational assistance as much as possible to gain compliance with this chapter, unless the director determines a violation is a result of a flagrant act that should be addressed through immediate penalties or poses a hazard as defined in the Hazards section.

C. The director (~~of public works~~)), in consultation with other departments of King County government, shall develop and implement additional enforcement procedures. These procedures shall indicate how the county will investigate and respond to reports or instances of noncompliance with this chapter and shall identify by title the official(s) responsible for implementing the enforcement procedures.

D. The director is authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter. Such inspections shall be made in accordance with K.C.C. 23.08.040.

1. The director may observe best management practices or examine or sample surface and storm water or ground water as often as may be necessary to determine compliance with this chapter. Whenever an inspection of a property is made, the findings shall be recorded and a copy of the inspection findings shall be furnished to the owner or the person in charge of the property after the conclusion of the investigation and

completion of the inspection findings.

2. When the director has made a determination under subsection 1 of this section that any person is violating this chapter, the director may require the violator to sample and analyze any discharge, surface and storm water, ground water, and/or sediment, in accordance with sampling and analytical procedures or requirements determined by the director. If the violator is required to complete this sampling and analysis, a copy of the analysis shall be provided to the King County ((~~surface water management~~))water and land resources division.

E. In addition to any other penalty or method of enforcement, the prosecuting attorney may bring actions for injunctive or other relief to enforce this chapter.

SECTION 139. Ordinance 8891, section 3, as amended, and K.C.C. 10.04.020 are hereby amended to read as follows:

Definitions. The following definitions shall apply in the interpretation and enforcement of this title:

A. "Agricultural wastes" means non((-))dangerous wastes on farms resulting from the production of agricultural products including but not limited to manures and carcasses of dead animals weighing each or collectively in excess of fifteen pounds.

B. "Asbestos-containing waste material" means any waste that contains asbestos. This term includes, but is not limited to, asbestos waste from control devices, contaminated clothing, asbestos waste material, materials used to enclose the work area during an asbestos project, and bags or containers that previously contained asbestos.

C. "Ashes" means the residue including any air pollution control equipment flue dusts from combustion or incineration of material including solid wastes.

D. "Bulky waste" means large items of refuse, such as appliances, furniture, and other oversize wastes which would typically not fit into reusable solid waste containers.

E. "CDL" means construction, demolition and land clearing waste as defined in this chapter.

F. "CDL receiving facility" means any properly licensed or permitted facility that is designated by the county as the facility to which non-recyclable CDL waste, including residual CDL waste, is required to be delivered pursuant to King County Code.

G. "CDL recycling facility" means any properly licensed or permitted facility at which materials are removed from mixed CDL waste for the purpose of reuse or remanufacture.

H. "CDL waste" means construction, demolition and land clearing waste as defined in this chapter.

I. "Certified hauler or certificated hauler" means any person engaged in the business of solid waste handling having a certificate granted by the Washington Utilities and Transportation Commission for that purpose.

J. "Charitable organization" means any organization which meets the following criteria: must be defined by the Internal Revenue Service as a 501(c)3 charitable organization; must be engaged as a primary form of business in the processing of abandoned goods for resale or reuse; and must have an account with the solid waste division.

K. "Clean mud and dirt" means mud and dirt that meet the soil cleanup standards of the Washington Administrative Code (WAC) 173-340-740 and WAC 173-340-745 as currently enacted and as hereafter amended.

L. "Clean soils and clean dredge spoils" means soils and dredge spoils which are not dangerous wastes or problem wastes as defined in this chapter.

M. "Clean wood" means stumps and branches over four inches in diameter and construction lumber free of paint, preservatives, metals, concrete, and other non-wood additives or attachments.

N. "Clean wood collection area" means an area used by county residents, businesses and institutions to deposit source separated clean wood.

O. "Commercial hauler" means any person, firm or corporation including but not limited to "certified hauler," as defined herein, collecting or transporting solid waste for hire or consideration.

P. "Compacted waste" means any solid waste whose volume is less than in the loose condition as a result of compression.

Q. "Construction, demolition, and land clearing (CDL) waste" means any recyclable or non-recyclable waste that results from construction, remodeling, repair or demolition of buildings, roads or other structures, or from land clearing for development, and requires removal from the site of construction, demolition or land clearing. Except where otherwise expressly provided, "CDL waste" or "county CDL waste" means CDL waste generated in the county jurisdiction. CDL waste includes, but is not limited to, the following listed materials:

1. "Construction waste" includes: wood, concrete, drywall, masonry, roofing, siding, structural metal, wire, insulation((;)) and other building material; and plastics, styrofoam, twine, baling and strapping materials, cans, buckets, and other packaging materials and containers. It also includes sand, rocks and dirt that are used in construction and that do not meet the definitions of clean mud and dirt or unacceptable waste.

2. "Demolition waste" includes concrete, asphalt, wood, masonry, roofing, siding, structural metal, wire, insulation, and other materials found in demolished buildings, roads, and other structures. It also includes sand, rocks and dirt that result from demolition and that do not meet the definitions of clean mud and dirt or unacceptable waste.

3. "Land clearing waste" includes natural vegetation and minerals such as stumps, brush, blackberry vines, tree branches, associated dirt and sand, tree bark, sod and rocks.

CDL waste does not include clean mud and dirt, contaminated soil, asbestos-containing waste material containing more than one percent of asbestos by weight, unacceptable waste, or any other solid waste which does not meet the definition of CDL waste.

R. "Contaminated soil" is any soil that does not meet the soil cleanup standards of the Washington Administrative Code as currently enacted and as hereafter amended.

S. "Controlled solid waste" means all solid waste generated, collected or disposed within the unincorporated areas of King County and all solid waste generated, collected or disposed within any other

jurisdiction with which a solid waste interlocal agreement, as defined herein, exists.

T. "County jurisdiction" means the geographic area for which King County government has comprehensive planning authority for solid waste management by law and/or by interlocal agreement.

U. "Dangerous wastes" means any solid waste designated as dangerous waste by the Washington State Department of Ecology under WAC 173-303.

V. "Designated interlocal forum" means a group of representatives of unincorporated King County and of incorporated cities and towns within King County designated by the council of King County and by interlocal agreement with the cities in King County to discuss solid waste issues and facilitate regional interlocal cooperation in solid waste management.

W "Disposal" means the discharge, deposit, injection, dumping, leaking, or placing of any solid waste into or on any land or water.

X. "Disposal facility" is a disposal site or interim solid waste handling facility. This includes, but is not limited to, transfer stations included as part of the county disposal system, landfills, incinerators, composting plants, and facilities for the recycling or recovery of resources from solid wastes or the conversion of the energy from such wastes to more useful forms or combinations thereof.

Y. "Disposal site" means a site or sites approved by the council of King County where any final treatment, utilization, processing or disposition of solid waste occurs.

Z. "Disposal system" means the system of disposal facilities, rules and procedures established pursuant to this title.

AA. "Drop box facility" means a facility used for the placement of a detachable solid waste container, i.e., drop boxes, including the area adjacent for necessary entrance and exit roads, unloading, and turnaround areas. Drop box facilities normally serve the general public with loose loads and receive waste from off-site. Drop box facilities may also include containers for separated recyclables.

BB. "Division" means the solid waste division of the King County ((public works))department of

natural resources and parks.

CC. "Energy resource recovery" means the recovery of energy in a usable form from mass burning or refuse derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste that involves high temperature (above 1200 degrees Fahrenheit) processing.

DD. "Garbage" means unwanted animal and vegetable wastes and animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, swill, and carcasses of dead animals and of such a character and proportion as to be capable of attracting or providing food for vectors, except sewage and sewage sludge.

EE. "Hazardous wastes" means and includes, but is not limited to explosives, medical wastes, radioactive wastes, pesticides and chemicals which are potentially harmful to the public health or the environment. Unless otherwise defined by the King County board of health, such waste shall have the meaning as defined by the Washington State Department of Ecology and the Washington Administrative Code.

FF. "Hazardous waste management plan" means a plan for managing moderate risk wastes, pursuant to RCW 70.105.220.

GG. "Health department" means the Seattle-King County health department.

HH. "Health officer" means the King County director of public health, or his or her authorized agent.

II. "Industrial solid wastes" means waste by-products from manufacturing and fabricating operations such as scraps, trimmings, packing, and other discarded materials not otherwise designated as dangerous waste under Chapter 173-303 WAC.

JJ. "Interim solid waste handling facility" means any interim treatment, utilization or processing site engaged in solid waste handling which is not the final disposal site. Transfer stations, drop boxes, baling and compaction sites, source separation centers, intermediate processing facilities, mixed waste processing facilities and treatment facilities are considered interim solid waste handling sites.

KK. "Intermediate processing facility" means any facility that sorts mixed recyclables from source

separation programs to divide them into individual component recyclable materials or to process them for marketing.

LL. "King County Solid Waste Advisory Committee" means the committee formed pursuant to King County Ordinance 6862 and RCW Chapter 70.95 to advise the county on solid waste management planning, assist in the development of programs and policies concerning solid waste management, and review and comment on the plan and other proposed solid waste management rules, policies or ordinance prior to adoption.

MM. "Landfill" means a disposal site or part of a site at which waste is placed in or on land and which is not a landspreading disposal facility.

NN. "Landspreading disposal facility" means a facility that applies sludge or other solid wastes onto or incorporates solid waste into the soil surface at greater than vegetative utilization and soil conditioners/immobilization rates.

OO. "Liquid" means a substance that flows readily and assumes the form of its container but retains its independent volume.

PP. "Littering" means to accumulate, or place, throw, deposit, put into or in any land or water or otherwise dispose of refuse including rubbish, ashes, garbage, dead animals, industrial refuse, commercial waste and all other waste material of every kind and description in any manner except as authorized by this chapter.

QQ. "Manager" means the manager of the solid waste division of the department of ~~((public works))~~ natural resources and parks of King County.

RR. "Medical waste" means all waste so defined by the King County board of health rules and regulations.

SS. "Mixed CDL waste" means CDL waste containing both recyclable and non-recyclable CDL waste material that has not been separated.

TT. "Mixed municipal solid waste" means waste consisting of solid waste generated by residences,

stores, offices, and other generators of wastes that are not industrial, agricultural, or CDL wastes.

UU. "Mixed waste processing" means sorting of solid waste after collection from the point of generation in order to remove recyclables from the solid waste to be disposed.

VV. "Mobile yard waste facility" means a yard waste facility requiring no above-grade construction and established on a temporary basis. For the purposes of ~~((Section))~~K.C.C. 10.12.020, a mobile yard waste facility shall be considered to be a disposal site without scales.

WW. "Moderate risk waste" means:

1. any waste that exhibits any of the properties of hazardous waste but is exempt from regulation under RCW Chapter 70.105 solely because the waste is generated in quantities below the threshold for regulation, and

2. any household wastes which are generated from the disposal of substances identified by the Department of Ecology as hazardous household substances.

XX. "Multi-family structure" means any residential structure designed exclusively for occupancy by two or more families living independently of each other receiving solid waste collection service as an entire structure or complex and the structure or complex is billed for solid waste collection service as a whole and not by individual dwelling units.

YY. "Noncommercial user" means any person not engaged in the business of solid waste handling.

ZZ. "Non-recyclable CDL waste" means any CDL waste that is not recyclable CDL Waste.

AAA. "Operating hours" means those times during which disposal facilities are normally open and available for the delivery of solid wastes.

BBB. "Person" means any individual, association, firm, corporation, partnership, political subdivision, municipality, government agency, industry, public or private corporation, or any other entity.

CCC. "Plan" means the coordinated comprehensive solid waste management plan for the county as required by ~~((RCW C))~~chapter 70.95 RCW.

DDD. "Problem wastes" means:

1. soils removed during the cleanup of a remedial action site, or a dangerous waste site closure or other cleanup efforts and actions and which contain harmful substances but are not designated dangerous wastes, or
2. dredge spoils resulting from the dredging of surface waters of the state where contaminants are present in the dredge spoils at concentrations not suitable for open water disposal and the dredge spoils are not dangerous wastes and are not regulated by the Federal Clean Water Act.

EEE. "Procurement policy" means the development and implementation of a policy which achieves the purchase of products made from recycled and/or recyclable goods.

FFF. "Receivers" means persons who will reuse recyclables and to whom source separated recyclables for which a market does not presently exist can be delivered at little or no cost in order to avoid landfilling the materials pending development of economic markets.

GGG. "Reclamation site" means a location used for the processing or the storage of recycled waste.

HHH. "Recyclable CDL waste" means CDL waste material that can be kept out of or recovered from CDL waste and reused or transformed into a reusable product. Recyclable CDL waste may consist of a single type of recyclable material or a mixture of two or more types of recyclable material. Material used to produce hog fuel is recyclable CDL waste.

III. "Recyclables" means any material that can be kept out of or recovered from solid waste and the resources therein be transformed and/or reused including, but not limited to, mixed paper, newsprint, cardboard, aluminum, glass, plastics, chemicals, oil, wood, compostable organics (food and yard debris), ferrous metal, and inorganics (rubble and inert material).

JJJ. "Recycling" means either source separation or the processing of solid waste mechanically or by hand to segregate materials for sale or reuse. Materials which can be removed through recycling include but are not limited to mixed paper, newsprint, cardboard, aluminum, glass, plastics, chemicals, oil, wood,

compostable organics (food and yard debris), ferrous metal, and inorganics (rubble and inert material).

Recycling does not include combustion of solid waste or preparation of a fuel from solid waste.

KKK. "Refuse" means garbage, rubbish, ashes, swill and all other putrescible and nonputrescible wastes, except sewage, from all public and private establishments and residences.

LLL. "Regional approach" means the development and implementation of a solid waste management program in cooperation with municipalities in King County and with other counties within the Puget Sound area.

MMM. "Regional direct" means any solid waste generated and collected in King County and transported to Cedar Hills disposal site by conventional log haul transfer vehicles from solid waste transfer stations or intermediate processing facilities permitted by Seattle-King County Health Department as provided for in K.C.C. 10.08.090 and the Board of Health's regulations.

NNN. "Regulated refrigerant" means a class I or class II substance as listed in Title VI of the Federal Clean Air Act Amendments of 1990.

OOO. "Residual CDL waste" means the non-recyclable waste remaining after recycling processes have removed recyclable waste.

PPP. "Reuse" means the return of a commodity into the economic stream for use.

QQQ. "Rubbish" means all nonputrescible wastes from all public and private establishments and from all residences.

RRR. "Secured load" means a load of solid waste which has been secured or covered in the vehicle in a manner that will prevent any part of the solid waste from leaving the vehicle while the vehicle is moving.

SSS. "Self-hauler" means all vehicles that are neither passenger licensed vehicles nor vehicles used by solid waste collection entities in their solid waste collection operations that are engaged in transporting wastes to disposal facilities.

TTT. "Single family dwelling" means any residential unit receiving solid waste collection service as an

individual unit and the dwelling is billed for solid waste collection service as an individual dwelling.

UUU. "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, except wastes identified in WAC 173-304-015, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, discarded commodities, sludge from wastewater treatment plants and septage from septic tanks, woodwaste, dangerous waste, and problem wastes. This includes all liquid, solid and semisolid materials which are not the primary products of public, private, industrial, commercial, mining and agricultural operations. Unrecovered residue from recycling operations shall be considered solid waste.

VVV. "Solid waste collection entity" means every person or his lessees, receivers, or trustees, owning, controlling, operating or managing vehicles used in the business of transporting solid waste for collection and/or disposal for compensation including all certified haulers, or any city using its own employees, or any company operating pursuant to a contract with or franchise from a city performing solid waste collection services within the city.

WWW. "Solid waste interlocal agreement" means an agreement between a city and the county for use of the King County disposal system for solid waste generated or collected within the city.

XXX. "Solid waste management" means the systematic administration of activities which provide for the reduction in generated volume, source separation, collection, storage, transportation, transfer, recycling, processing, treatment and disposal of solid waste. This includes public education and marketing activities.

YYY. "Source separation" means the process of separating recyclable materials from material which will become solid waste at its source.

ZZZ. "Suspect waste" means any waste the manager suspects may be unauthorized waste.

AAAA. "Swill" means every refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit and vegetables, except coffee grounds.

BBBB. "Trailer waste area" means a dedicated area where disposal vehicles shall utilize for hosing their containers, truck beds, and trailers following tipping of wastes.

CCCC. "Transfer station" means a staffed, fixed, supplemental collection and transportation facility used by persons and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle for transport to a permanent disposal site. It may also include recycling facilities.

DDDD. "Unacceptable waste" means any material for which the transportation or disposal would constitute a violation of any governmental requirement pertaining to health, safety, or the environment. Such material may include, but is not limited to, hazardous, extremely hazardous or dangerous waste as designated under Washington State or federal law, including but not limited to regulations contained in the Washington Administrative Code, now in effect or hereafter amended, or in the code of Federal regulations, now in effect or hereafter amended.

EEEE. "Unauthorized waste" means waste which is waste not acceptable for disposal at any or a specific disposal facility according to applicable rules and regulations or a determination of the manager.

FFFF. "Uncompacted waste" means any solid waste in an uncompressed or loose condition.

GGGG. "Unincorporated service area" means a geographical area of unincorporated King County designated to receive solid waste, recyclables, and yard waste collection services.

HHHH "Unsecured load" means a load on a vehicle that is not securely fastened and protected by safety chains or other fastening devices, covered, tied down or otherwise secured so as to prevent the material from spilling, escaping, or being deposited outside the vehicle while vehicle is in motion.

IIII. "Waste reduction" means reducing the amount or type of waste generated.

JJJJ. "White goods" means major appliances, including refrigerators, freezers, heat pumps, air conditioners, stoves, ranges, dishwashers, washers, dryers, trash compactors, dehumidifiers, and other appliances specified by the manager.

KKKK. "White goods collection area" means an area used by county residents to deposit source

separated white goods.

LLLL. "Woodwaste" means solid waste consisting of wood pieces or particles generated as a by-product resulting from the handling and processing of wood, including, but not limited to, hog fuel, sawdust, shavings, chips, bark, small pieces of wood, stumps, limbs and any other material composed largely of wood which has no significant commercial value at the time in question, (but shall not include slash developed from logging operations unless disposed of on a different site), and does not include wood pieces or particles containing chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate.

MMMM. "Yard waste" means a compostable organic material generated in yards or gardens, including but not limited to, leaves, grass, branches, prunings, and clippings of woody and fleshy plants and unflocked Christmas trees, but shall not include rocks, dirt or sod, concrete, asphalt, bricks, land clearing wastes, demolition wastes, woodwaste or food waste.

NNNN. "Yard waste collection area" means an area used by county residents, businesses, and institutions to deposit source separated yard waste.

SECTION 140. Ordinance 800, section 3, as amended, and K.C.C. 10.12.030 are hereby amended to read as follows:

Collection of fees. A. All service fees collected pursuant to this chapter shall be collected in cash by site cashiers at the time of use; provided, that the manager of the King County solid waste division, department of ~~((public works))~~ natural resources and parks may authorize a commercial or noncommercial user to be billed monthly for all solid waste delivered to either the transfer stations ~~((and/))~~ or the final disposal sites, or both.

B. The solid waste manager is authorized to adjust any solid waste service fee for purposes of minimizing cash holding requirements at solid waste facilities. The adjustment to the calculated fee shall not exceed twenty-five cents nor shall it have a significant impact on the revenue collected in the proposed rate period.

C. Authorization of a commercial or noncommercial user's monthly billing shall result only from a

request in advance for such service by the commercial or noncommercial user subject to the following provisions:

1. No authorization shall be granted without the posting of an irrevocable payment bond secured by the commercial or noncommercial user in the name of the solid waste division and in an amount which is equal to the larger amount of the peak three consecutive months of user fee charges from the prior twelve months adjusted for rate changes or ~~(((\$3,500))~~ three thousand five hundred dollars. Within ~~((30))~~ thirty days of determining that the posted irrevocable payment bond is insufficient the manager shall give notice that a bond increase is required, except that no bond increase should be required if the change is less than ~~(((\$1,000))~~ one thousand dollars and the commercial or noncommercial user's payments have not been delinquent in the preceding twelve months.

2. In the absence of the peak three consecutive months of user fee charges from the prior twelve months adjusted for rate changes, the irrevocable payment bond will be the greater of the commercial or noncommercial user of three months of user charges or ~~(((\$3,500))~~ three thousand five hundred dollars.

3. The manager, having given notice to a commercial or noncommercial monthly billing user that their bond is inadequate based on actual usage, may suspend use privileges for a commercial or noncommercial user who fails to tender an increased bond within thirty days of notice.

4. The manager shall, upon request, relieve a commercial user certified pursuant to chapter 81.77 RCW of the requirement for an irrevocable payment bond if it has not been delinquent in the preceding 12 months. If a monthly bill becomes delinquent by five days, the user shall post within thirty days of the delinquency an irrevocable bond equal to the larger of the peak three consecutive months of user fee charges from the prior twelve months adjusted for rate changes or ~~(((\$3,500))~~ three thousand five hundred dollars.

5. The manager shall waive the irrevocable payment bond for the following governmental noncommercial users: A municipal corporation, governmental department, agency or commission or political subdivision when he or she approves its monthly billing request.

D. All invoiced fees shall be received, payable to King County(~~(s)~~) finance and business operations division, in monthly installments on or before the twenty-fifth day following the billing date as listed on the invoice. A late payment penalty equal to one and one-half percent of the delinquent unpaid balance compounded monthly, shall be assessed on the delinquent unpaid balance of those nongovernmental commercial and noncommercial accounts in arrears. The manager, having given seven days' notice, may suspend use privileges for a commercial or noncommercial user who fails to tender payment by the end of the billing month. Any invoiced fee or other service fee which remains unpaid ninety days after its due date may be remitted to a collection service agency which will exercise their best, prudent and lawful efforts to secure collection. An administrative fee of fifteen dollars will be added to all such unpaid account totals. This fee will be in addition to any late payment penalty or fee imposed by county ordinance.

E. Effective July 1, 1991, users not having charging privileges and unable to pay disposal charges assessed at the disposal facility shall be issued a one-time payment invoice of dumping fees charged plus a handling fee of (~~(\$10.00)~~) ten dollars. Payment on this invoice shall be due within 7 days of issue and late payment penalties shall be charged consistent with subsection D (~~(above)~~) of this section.

F. A noncommercial user may be authorized by the manager to be billed monthly for all solid waste delivered to the transfer stations and for final disposal sites; provided, that such noncommercial user is either:

~~((1))~~ 1. ~~((a))~~ A municipal corporation, governmental department, agency or commission or political subdivision; or

~~((2))~~ 2. ~~((a))~~ A person whose monthly service charges exceed one hundred dollars.

G. Persons authorized for monthly billings shall receive one or more identification badges for the purpose of crediting charges. A fee of twenty-five dollars shall be charged the person to replace a lost or damaged card. No fee will be charged for replacement due to normal wear.

SECTION 141. Ordinance 800 (part), as amended, and K.C.C. 10.12.060 are hereby amended to read as follows:

Enforcement. The director of the department of ~~((public works))~~natural resources and parks is authorized to enforce the provision of this chapter, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of K.C.C. Title 23.

SECTION 142. Ordinance 9240, section 3, and K.C.C. 10.16.030 are hereby amended to read as follows:

Definitions. The following terms shall have the assigned definitions for all purposes under this chapter:

A. "Building insulation" means a material, primarily designed to resist heat flow, which is installed between the conditioned volume of a building and adjacent unconditioned volumes or the outside. This term includes but is not limited to insulation products such as blanket, board, spray-in-place, and loose-fill that are used as ceiling, floor, foundation, and wall insulation.

B. "Cement" means a powder-like manufactured mineral product, often referred to as "Portland cement," used in the manufacture of cement concrete.

C. "Cement concrete" means concrete which contains cement.

D. "Cement with fly ash or cement concrete with fly ash" means cement or cement concrete containing any amount of fly ash.

E. "Contractor" means any person, group of persons, consultant, designing architect, association, partnership, corporation, or other type of business entity which has a contract with King County (including suppliers) or which serves in a subcontracting capacity with an entity having a contract with King County for the provision of goods and/or services.

F. "Departments" shall refer to any executive department and administrative office as defined by King County ordinance or other applicable law and shall include all county agencies not associated with a department, the King County prosecuting attorney, the King County assessor, the King County sheriff and the King County council.

G. "Designated products" means all products that have been or may be identified pursuant to ~~((Section~~

)K.C.C. 10.16.040 of this chapter as products that can be procured with significant levels of recovered materials.

H. "Designing architect" means any architect or engineer performing architectural or engineering services for the county in connection with a county construction project and who is chiefly responsible for the project's design.

I. "Director" means the director of the department of executive ~~((administration))~~services or the director's designee.

J. "End use" means an intended final use of a product by a consumer which will not result in additional value being added to the product.

K. "Fly ash" means the component of coal which results from the combustion of coal and is the finely divided mineral residue which is typically collected from boiler stack gases by electrostatic precipitator or mechanical collection devices.

L. "Lubricating oils" means engine lubricating oils, hydraulic fluids, and gear oils, excluding marine and aviation oils.

M. "Minimum content standards" means standards set by the county specifying the minimum level of recovered material and/or post-consumer material necessary for designated products to qualify as recycled products.

N. "Mixed municipal solid waste" means waste consisting of solid waste generated by residences, stores, offices, and other generators of wastes that are not industrial, agricultural, or demolition wastes.

O. "Paper and paper products" means all items manufactured from paper or paperboard.

P. "Post-consumer material" means only those products generated by a business or consumer which have served their intended end uses, and which have been separated or diverted from the solid waste stream for the purposes of collection, recycling and disposition.

Q. "Post-consumer paper material" means:

1. Paper, paperboard and fibrous wastes including corrugated boxes, newspapers, magazines, mixed waste paper, tabulating cards and used cordage from places like retail stores, office buildings and homes after the point at which they have passed through their end use as consumer items; and
2. All paper, paperboard and fibrous wastes that enter and are collected as mixed municipal solid waste.

R. "Purchasing contract" means any contract which is awarded by the county for the purchase of tangible goods.

S. "Recovered material" means material and byproducts which have been recovered or diverted from solid waste, but does not include those materials and byproducts generated from, and commonly reused within, an original manufacturing process (such as mill broke or home scrap).

T. "Recovered paper material" means paper waste generated after the completion of a papermaking process, such as post-consumer material, envelope cuttings, bindery trimmings, printing waste, cutting and other converting waste, butt rolls, and mill wrappers, obsolete inventories, and rejected unused stock. Recovered paper material, however, shall not include fibrous waste generated during the manufacturing process such as fibers recovered from waste water or trimmings of paper machine rolls (mill broke), or fibrous byproducts of harvesting, extractive or woodcutting processes, or forest residue such as bark.

U. "Recyclable product" means a product which, after its intended end use, can demonstrably and economically be diverted from the King County solid waste stream for use as a raw material in the manufacture of another product.

V. "Recycled designated product" means a product designated in or pursuant to ~~((Section))~~ K.C.C. 10.16.040 of this chapter that meets or surpasses:

~~((1))~~ 1. ~~((e))~~ County minimum content standards~~((;))~~; and

~~((2))~~ 2. ~~((a))~~ All other criteria for qualification as specified in this chapter.

W. "Retread tire" means a worn automobile, truck, or other motor vehicle tire, excluding airplane tires, whose tread has been replaced.

X. "Reusable product" means a product that can be used several times for an intended end use before being discarded, such as a washable food or beverage container or a refillable ball point pen.

Y. "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, except wastes identified in WAC 173-304-015, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, discarded commodities, sludge from wastewater treatment plants and septage from septic tanks, woodwaste, dangerous waste, and problem wastes. This includes all public, private, industrial, commercial mining and agricultural operations. Unrecovered residue from recycling operations shall be considered solid waste.

Z. "User department" means a department that purchases any amount of a given designated product, except when the department has made no purchase within the current or preceding calendar year.

SECTION 143. Ordinance 11949, section 5, and K.C.C. 10.22.035 are hereby amended to read as follows:

Waste reduction and recycling, findings and recommendations. A. The council finds that existing county policies for waste reduction and recycling, which were set in 1988, have been valuable for guiding the efforts of King County, suburban cities and the private sector. These policies recognize that successful waste reduction and recycling efforts depend on changing the behavior of individuals and organizations rather than accommodating existing behavior. The policies include waste reduction and recycling goals of ~~((50%))~~ fifty percent by 1995, which should be attained, and of ~~((65%))~~ sixty-five percent by 2000, which still appears to be attainable. These numeric goals have caused confusion, however, both because they combine the different concepts of waste reduction and waste recycling and because they do not explicitly account for goals other than

waste diversion that the county seeks to achieve through its waste reduction and recycling programs.

B. Based on these findings, the council describes the mission of King County's waste reduction and recycling programs as follows:

1. To divert as much material as possible from disposal in a manner which reduces the overall costs of solid waste management to county residents and businesses, conserves resources, protects the environment and strengthens the county's economy((-)); and

2. To establish, enhance and assure utilization of methods for reusing materials which would otherwise be disposed, and in particular to promote use of products manufactured from recycled materials, recommend policy to King County and other jurisdictions within the county as needed to enhance the development of markets for use of recycled and recyclable materials. The development of local markets shall be emphasized.

C. The county should evaluate its success in achieving this mission through measures that are consistent with the following:

1. The county seeks continuing decreases in the total amount of waste generated and disposed per county resident, acknowledging that this amount is affected by business activities, average household size and other external factors. Improved measures of waste reduction should be developed and proposed in the CSWMP update.

2. The county seeks to recycle additional materials out of its disposal stream at least as long as such action is likely to create a long-term, net economic benefit compared to the costs of disposal. An analysis of the costs and benefits of recycling should include current and projected values for collection, hauling and processing costs and the return in commodity prices for recycled materials versus the current and projected costs of collection, hauling and disposal of the same materials. Improved measures of the net economic costs and benefits of recycling should be developed for targeted materials and proposed in the CSWMP update.

3. Measures of actual recycling collection, both overall and for specific materials, should be improved

based on reliable and consistent sources of information, and should be developed and proposed in the CSWMP update.

4. The county should consider possible revisions to its ((65%)) sixty-five percent waste reduction and recycling goal for 2000 in the CSWMP update, consistent with the measures developed under ((subparagraphs)) subsection B. 1((-)) through 3((-)) of this section and the increases in waste reduction and recycling that are anticipated from implementing strategies developed under ((paragraph)) this subsection C((-of this section)).

~~((C. The council accepts the current organizational separation of waste reduction and recycling programs in the solid waste division and the King County commission for marketing recyclable materials, but seeks overall county strategies for recyclable materials and their markets that integrate the supply-side strategies of the division with the demand-side strategies of the commission. At a minimum, the council seeks waste reduction and recycling strategies under the following schedule:~~

- ~~1. Recycled office paper—proposal not later than the proposed 1996 budget ordinance.~~
- ~~2. Recycled yard waste—proposal for use of unspent, previously appropriated funds no later than the proposed 1996 budget ordinance; comprehensive proposal no later than the CSWMP update.~~
- ~~3. Recycled wood waste—proposal no later than the CSWMP update.~~
- ~~4. Recycled food waste—proposal in the CSWMP update.~~
- ~~5. Enhanced waste reduction—proposal no later than the CSWMP update.))~~

~~((D. The council finds that, by the nature of the county's roles in markets for recycled materials, private companies as well as other governments and private foundations may have an interest in supporting activities undertaken both by the recycling section of the solid waste division and the commission for marketing recyclable materials. Though there almost certainly will remain activities of both agencies that the county will wish to continue funding itself for the foreseeable future, the council supports the efforts of both agencies to seek outside funding that furthers the county's mission in waste reduction and recycling. To this end, the~~

~~council supports the following:~~

- ~~1. A motion providing criteria for council pre-approval of gifts, bequests and donations to county recycling programs, consistent with K.C.C. 2.80;~~
- ~~2. Adding extra appropriation authority in annual budgets for the commission and the division, provided that this authority can be used only if it is funded by recycling grant or contract revenues of which the council receives prior notification.))~~

SECTION 144. Ordinance 6862, section 1, and K.C.C. 10.28.010 are hereby amended to read as follows:

Establishment. The King County Solid Waste Advisory Committee is hereby established to be comprised of a county((-))wide group of representatives of citizens, public interest groups, business, the waste management industry, ((and))local elected public officials, the recycling industry, manufacturers located in King County, and marketing and education interests to provide for coordination and information exchange between the groups about solid waste issues and to provide on-going public input and advice to King County on solid waste management issues including the marketing and use of recycled materials.

SECTION 145. Ordinance 6862, section 2, as amended, and K.C.C. 10.28.020 are hereby amended to read as follows:

Composition. The King County solid waste advisory committee shall be composed of at least nine and not more than ((seventeen))twenty members representing a balance of interests among the groups listed in K.C.C. 10.28.010. The members shall include one representative from each of the two bargaining units representing the greatest number of solid waste division employees. Representatives of the bargaining units may be county employees.

SECTION 146. Ordinance 6862, sections 3 and 4 , and K.C.C. 10.28.030 are hereby amended to read as follows:

Scope and charge. A. The King County Solid Waste Advisory Committee shall advise and make

recommendations to the county executive on matters within their scope and charge.

B. The scope and charge of the King County Solid Waste Advisory Committee shall be to:

1. Advise King County on all aspects of solid waste management planning;
2. Assist King County in the development of programs and policies concerning solid waste

management;

3. Review and comment on proposed solid waste management rules, policies, or ordinances prior to their adoption((-)); and

4. Advise King County in the development of programs and policies that will establish, enhance and assure utilization of methods for reusing materials which would otherwise be disposed, and in particular to promote use of products manufactured from recycled materials. The Solid Waste Advisory Committee shall advise King County on methods to enhance the development of markets for use of recycled and recyclable materials. The Solid Waste Advisory Committee should emphasize development of local markets.

SECTION 147. Ordinance 9464, section 2, and K.C.C. 11.06.020 are hereby amended to read as follows:

Membership. The King County Animal Control Citizen's Advisory Committee shall be composed of eleven members who are residents of King County, and who represent a diversity of interests. Composition will include one representative from the Humane Society, Inc., Society for the Prevention of Cruelty to Animals of Seattle-King County; one representative from the Progressive Animal Welfare Society, Lynnwood, Washington; one representative of the Seattle-King County Veterinary Medical Association; two representatives from non-profit or professional organizations representing animal-related business interests; three citizens, nominated by the Suburban Cities Association, to represent municipalities which contract with King County for animal control services; and three citizens representing unincorporated King County. To the extent possible, the six citizen representatives should be selected to provide geographically balanced representation and a mix of pet owners and non-pet owners. The director of the King County department of executive ~~((administration))~~

services or ~~((his/her))~~his or her designee shall serve as an ex officio member of the committee.

SECTION 148. Ordinance 5280, section 2, as amended, and K.C.C. 12.20.020 are hereby amended to read as follows:

Definitions. Definitions as used in this chapter, unless additional meaning clearly appears from the context, shall have the meanings subscribed:

A. "Charging party" means any person alleging an unfair housing practice under this chapter.

B. "Real estate-related transaction" means any of the following:

1. The making or purchasing of loans or providing other financial assistance:
 - a. for purchasing, construction, improving, repairing, or maintaining real property; or
 - b. secured by real property.
2. The selling, brokering, or appraising of real property.

C. "Director" means the director of the county department of executive~~((administration))~~ services or his or her designee.

D. "Discriminate" means any action or failure to act, whether by single act or as part of a practice, the effect of which is to adversely affect or differentiate between or among individuals or groups of individuals, because of race, color, religion, national origin, age, sex, marital status, parental status, participation in the Section 8 program, sexual orientation, disability, or the use of a trained dog guide by a person with a disability.

E. "Dwelling" and "dwelling unit" mean any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families or individuals, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

F. "Senior citizens" means persons who are sixty-two years of age or older.

G. "Housing accommodations" means any dwelling or dwelling unit, rooming unit, rooming house, lot or parcel of land in unincorporated King County which is used, intended to be used, or arranged or designed to

be used as, or improved with, a residential structure for one or more human beings.

H. "Marital status" means the presence or absence of a marital relationship and includes the status of married, separated, divorced, engaged, widowed, single or cohabiting.

I. "National origin" shall be interpreted to include ancestry.

J. "Party" means the person charging or making a complaint or upon whose behalf a complaint is made alleging an unfair practice, the person alleged or found to have committed an unfair practice, or the department of executive ((administration))services.

K. "Parental status" means being a parent, stepparent, adoptive parent, guardian, foster parent or other designated custodian of a minor child or children, which child or children shall permanently or temporarily occupy the real estate and includes any person who is pregnant or has initiated the legal process of securing custody of any individual who has not attained the age of 18 years.

L. "Person" means one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers or any group of persons; it includes any owner, lessee, proprietor, manager, agent or employee whether one or more natural persons; and further includes any political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision thereof.

M. "Aggrieved person" includes any person who:

1. Claims to have been injured by a discriminatory housing practice;
2. Believes that he or she will be injured by a discriminatory housing practice that is about to occur.

N. "Real property" includes but is not limited to buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein.

O. "Real estate transaction" includes but is not limited to the sale, conveyance, exchange, purchase, rental, lease or sublease of real property.

P. "Respondent" means any person who is alleged to have committed an unfair practice prohibited by this chapter.

Q. "Sexual orientation" means male or female heterosexuality, bisexuality or homosexuality, and includes a person's attitudes, preferences, belief and practices pertaining to sex, but shall not include conduct which is a public or private nuisance or is unlawful under county, state or federal law.

R. "Settlement discussions" and "conference, conciliation and persuasion" mean the attempted resolution of issues raised by a complaint, or by the investigation of such complaint, through informal negotiations involving the charging party, the respondent, and the director.

S. "Disability" means, with respect to a person:

1. A physical or mental impairment which substantially limits one or more of such person's major life activities, either temporarily or permanently,
2. A record of having such an impairment, or
3. Being regarded as having such an impairment, but such term does not include current, illegal use of a controlled substance (as defined in section 102 of the Controlled Substances Act as of the date of passage of this section (21 U.S.C. 802)),
4. Any other condition which is a disability under the Washington State Law Against Discrimination as it pertains to real estate (~~((RCW))~~chapter 49.60 RCW).

T. "Use of a trained dog guide by a person with a disability" means the use of a "guide dog" as defined in RCW. 70.84.020 by a blind or hearing impaired person and/or the use of a "service dog" as defined in RCW 70.84.021 by a person with a physical disability.

U. "Participation in the Section 8 program" means participating in a federal, state, or local government program in which a tenant's rent is paid partially by the government (through a direct contract between the government program and the owner or lessor of the real property), and partially by the tenant.

SECTION 149. Ordinance 13263, section 53, and K.C.C. 12.20.150 are hereby amended to read as

follows:

Fair housing code compliance. Whenever a complaint has been filed pursuant to the provisions of K.C.C. chapter 12.20, the director of the department of executive ((administration))services, or his or her designee, shall initiate an investigation under the provisions of that chapter.

Whenever a director has determined that a violation of the fair housing ordinance or any rules and regulations adopted thereunder is about to occur or has occurred, he or she shall issue an order pursuant to the provisions of K.C.C. chapter 12.20. With respect to violations of K.C.C. chapter 12.20, the notice, service and hearings provisions contained in K.C.C. chapter 12.20 shall control over K.C.C. Title 23.

SECTION 150. Ordinance 8625, section 2, and K.C.C. 12.22.020 are hereby amended to read as follows:

Definitions. When used in this chapter, unless the context otherwise requires:

A. "Charging party" means any person alleging an act of discrimination in a place of public accommodation under this chapter.

B. "Discrimination" or "discriminatory practice or act" means any action or failure to act, whether by a single act or part of a practice, the effect of which is to adversely affect or differentiate between or among individuals, because of race, color, religion, national origin, age, sex, marital status, parental status, sexual orientation, the presence of any sensory, mental or physical handicap, or the use of a trained dog guide by a blind, deaf or physically disabled person.

C. "National origin" shall be interpreted to include ancestry.

D. "Parental status" means being a parent, step-parent, adoptive parent, guardian, foster parent or custodian of a minor child or children, which child or children shall enter a place of public accommodation.

E. "Person" means one or more individuals, partnerships, associations, organizations, cooperatives, legal representatives, trustees and receivers or any group of persons; it includes any owner, lessee, proprietor, manager, agent or employee whether one or more natural persons, or of any political or civil subdivision

thereof.

F. "Respondent" means any person who is alleged to have discriminated in a place of public accommodation.

G. "Sexual orientation" means male or female heterosexuality, bi-sexuality or homosexuality, and includes a person's attitudes, preferences, beliefs and practices pertaining to sex, but shall not include overt conduct which is a public or private nuisance or is unlawful under county, state or federal law.

H. "Owner" includes persons who own, lease, sublease, rent, operate, manage, have charge of, control or have the right of ownership, possession, management, charge or control of real property on their own behalf or on behalf of another.

I. "Place of public accommodations" shall mean and include any place, store or other establishment, either licensed or unlicensed which supplies goods or services to the general public and shall include, but not be limited to, the following types of services or facilities, to-wit: hotels, or other establishments which provide lodging to transient guests, restaurants, cafeterias, lunchrooms, lunch counters, soda fountains or other facilities principally engaged in selling or offering for sale food for consumption upon the premises, motion picture houses, theatres, concert halls, sport arenas, stadiums or other places of exhibition or entertainment, bowling alleys and amusement parks, all retail establishments, all transportation carriers and mobile home parks, barber shops, beauty shops, and bar or taverns or other facilities engaged in selling or offering for sale alcoholic beverages for consumption upon the premises, and shall include public burial facilities when such facilities are owned and operated by any cemetery corporation or burial association.

J. "Director" means the director of the department of executive((~~administration~~)) services.

K. "Administrator" means the administrator of the ((~~affirmative action program~~))office of civil rights in the department of executive ((~~administration~~))services.

L. "Senior citizen" means, for purpose of this chapter, individuals as old or older than an age set for a senior category. The minimum age for the senior category may be set at 55 years or higher.

SECTION 151. Ordinance 1198, sections 2 and 3 , as amended, and K.C.C. 12.44.250 are hereby amended to read as follows:

Lake Margaret restrictions. It is unlawful to use or operate any internal combustion engines on Lake Margaret; provided, that nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties.

The department of ((~~public works~~))natural resources and parks shall have the responsibility of posting and maintenance of the signs. Sign shall read as follows: "INTERNAL COMBUSTION ENGINES PROHIBITED ON THIS LAKE, KING COUNTY CODE 12.44.250."

SECTION 152. Ordinance 1239, sections 2 through 9 , as amended, and K.C.C. 12.44.260 are hereby amended to read as follows:

Lake Sawyer restrictions. A. The following rules and regulations shall be adopted for use of motor-operated watercraft on Lake Sawyer:

1. It is unlawful to use or operate any watercraft powered by an internal combustion engine on Lake Sawyer, except that the following engines will be permitted:

a. Water-cooled outboard engines of stock manufacture or stock manufactured inboard engines with outboard drive units which vent all exhaust gases through the lower drive unit in conjunction with cooling water and/or vent at a point on the drive unit which is under water at all times;

b. Direct drive inboard engines equipped with a muffler or silencer of sufficient size and capacity to effectively muffle and reduce noise as referenced in K.C.C. 12.87.170, K.C.C. 12.91.020 and WAC 173-70-040, as amended;

c. Air-cooled outboard or inboard engines of stock manufacture rated by the manufacturer at ten horsepower or less and equipped with mufflers to suppress exhaust noises.

The operation of watercraft powered by engines which are worn, damaged or modified in such a manner as to permit the noise level of exhaust gases or air intake devices to be increased above seventy-four decibels

on the db(A) scale is prohibited.

2. Except as otherwise specifically provided for in this chapter, it is unlawful for any person to operate a motor-powered watercraft on Lake Sawyer in excess of eight miles per hour.

3. Watercraft will be permitted to operate at speeds not to exceed thirty-six miles per hour during the hours of 2:00 p.m. to 7:00 p.m. on Mondays through Fridays and from 11:00 a.m. to 3:00 p.m. on Saturdays, Sundays and holidays; provided, watercraft operating in excess of eight miles per hour with or without skier in tow shall remain at least two hundred feet from any and all shorelines and one hundred feet from other watercraft and persons; provided further, watercraft operating in excess of eight miles per hour shall proceed around the lake in a counterclockwise direction.

B. Water skiing on Lake Sawyer shall be regulated as follows:

1. No watercraft which has in tow a person on water skis, aquaplane, surfboard or similar contrivance shall be operated or propelled unless such watercraft is occupied by at least two competent persons.

2. All water skiers shall take off and return to designated floats placed on the lake. Buoys shall be placed two hundred feet from shore around the lake.

3. No operator of a watercraft shall have in tow a person on water skis, aquaplane, surfboard or similar contrivance after sunset.

4. All persons being towed by watercraft shall wear personal flotation devices that are a type approved by the ((U.S.)) United States Coast Guard.

C. Any person who negligently operates any watercraft in a manner so as to endanger or be likely to endanger any person or property, or at a rate of speed greater than will permit him in the exercise of reasonable care to bring the watercraft to a stop within assured clear distance ahead, is guilty of negligent operation and a violation of this chapter.

D. Any person who operates any watercraft in a reckless manner so as to endanger the life or limb or damage the property of any person is guilty of the crime of reckless operation and a violation of this chapter.

E. It is unlawful for any person who is under the influence of intoxicating liquor or narcotic or habit-forming drugs to operate or be in physical control of any watercraft; further, it is unlawful for the owner of any watercraft or any person having such in charge or in control to authorize or knowingly permit the same to be operated by any person who is under the influence of intoxicating liquor, narcotic or habit-forming drugs.

F. Unless specifically provided for in this chapter, all provisions of the King County boating code as now exists, including operation of personal watercraft, or hereafter is amended will apply to all watercraft operating on Lake Sawyer.

G. Any violation of this chapter shall be administered in a manner consistent with K.C.C. 12.44.570, as it currently reads or is revised.

H. The director of the King County department of ~~((public works))~~natural resources and parks shall cause to be posted at all public and commercial access areas to Lake Sawyer a complete copy or reproduction of this section.

SECTION 153. Ordinance 1468, sections 2 and 3 , as amended, and K.C.C. 12.44.280 are hereby amended to read as follows:

Steel Lake restrictions. It is unlawful to use or operate any internal combustion engines on Steel Lake; provided, that nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties.

The department of ~~((public works))~~natural resources and parks shall have the responsibility of posting and maintenance of the signs. Signs shall read as follows: "INTERNAL COMBUSTION ENGINES PROHIBITED ON THIS LAKE, KING COUNTY CODE 12.44.280."

SECTION 154. Ordinance 2086, section 1, and K.C.C. 12.44.300 are hereby amended to read as follows:

Lake Leota restrictions. It is unlawful to use or operate any watercraft powered by either internal combustion engines or electric engines on Lake Leota; provided, that nothing in this section shall be construed

to prevent any public official or construction company from performing authorized duties.

The department of ~~((public works))~~natural resources and parks is authorized to post and maintain the appropriate signs.

SECTION 155. Ordinance 2875, section 1, and K.C.C. 12.44.310 are hereby amended to read as follows:

North Lake restrictions. It is unlawful to use or operate any internal combustion engines on North Lake; provided, that nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties. The department of ~~((public works))~~natural resources and parks is authorized to post and maintain the appropriate signs.

SECTION 156. Ordinance 3038 and K.C.C. 12.44.320 are hereby amended to read as follows:

Pipe Lake-Lake Lucerne restrictions. It is unlawful to use or operate any internal combustion engines on Pipe Lake-Lake Lucerne; provided, that nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties. The ~~((Department of Public Works))~~department of natural resources and parks is authorized to post and maintain the appropriate signs.

SECTION 157. Ordinance 4965, section 1, and K.C.C. 12.44.330 are hereby amended to read as follows:

Spring Lake restrictions. It is unlawful to use or operate any internal combustion engine on Spring Lake, legally defined as: all the water of Spring Lake located in Section 31, Township 23 N., Range 6 E., W.M., in King County, Washington; provided, that nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties. The ~~((Department of Public Works))~~department of natural resources and parks shall have the responsibility of posting and maintaining appropriate signs.

SECTION 158. Ordinance 4966, section 1, and K.C.C. 12.44.340 are hereby amended to read as follows:

Cottage Lake restrictions. It is unlawful to use or operate any internal combustion engines on Cottage Lake, legally defined as on Cottage Lake within Section 7, Township 26 N., Range 6 E., W.M., in King County, Washington; provided, that nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties. The ~~((Department of Public Works))~~department of natural resources and parks shall have the responsibility of posting and maintaining appropriate signs.

SECTION 159. Ordinance 6015 and K.C.C. 12.44.610 are hereby amended to read as follows:

Shadow Lake Restriction. It is unlawful to use or operate any internal combustion engine on Shadow Lake, legally defined as "All the water of Shadow Lake, previously known as Spoon Lake, located in SE 1/4 of Section 7, Township 22N., Range 6E., W.M., in King County, Washington"; PROVIDED THAT, nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties. The department of ~~((public-works))~~natural resources and parks shall have the responsibility of posting and maintaining appropriate signs.

SECTION 160. Ordinance 6355 and K.C.C. 12.44.740 are hereby amended to read as follows:

Lake Desire Restriction. It is unlawful to use or operate any internal combustion engine on Lake Desire, legally defined as "All the water of Lake Desire located in the SE 1/4 of Section 25 and East 1/2 of Section 36, Township 23N., Range 5 E, W.M., in King County, Washington"; PROVIDED THAT, nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties. The department of ~~((public-works))~~ natural resources and parks shall have the responsibility of posting and maintaining appropriate signs.

SECTION 161. Ordinance 6384 and K.C.C. 12.44.750 are hereby amended to read as follows:

Shady Lake Restriction. It is unlawful to use or operate any internal combustion engine on Shady Lake, legally defined as "All the water of Shady Lake, also known as Mud Lake, located in the N. 1/2 of the N.E. 1/4 of Section 1, Township 22 North, Range 5 E., W.M., and in the S. 1/2 of the S.E. 1/4 of Section 36, Township 23 N., Range 5 E., W.M., in King County, Washington"; PROVIDED THAT, nothing in this section

shall be construed to prevent any public official or construction company from performing authorized duties.

The department of (~~(public works)~~)natural resources and parks shall have the responsibility of posting and maintaining appropriate signs.

SECTION 162. Ordinance 6889 and K.C.C. 12.44.760 are hereby amended to read as follows:

Lake Joy Restriction. It is unlawful to use or operate any internal combustion engine on Lake Joy, legally defined as "All the waters of Lake Joy located in Section 26 and Section 35, Township 26 North, Range 7E, W.M., in King County, Washington;" PROVIDED THAT, nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties. The department of (~~(public works)~~)natural resources and parks shall have the responsibility of posting and maintaining appropriate signs.

SECTION 163. Ordinance 6909 and K.C.C. 12.44.770 are hereby amended to read as follows:

Lake Walker Restriction. It is unlawful to use or operate any internal combustion engine on Lake Walker, legally defined as "All the water of Lake Walker located in the Western half of Section 34, Township 21 North, Range 7E, W.M., in King County, Washington;" PROVIDED THAT, noting in this section shall be construed to prevent any public official or construction company from performing authorized duties. The department of (~~(public works)~~)natural resources and parks shall have the responsibility of posting and maintaining appropriate signs.

SECTION 164. Ordinance 8847 and K.C.C. 12.44.780 are hereby amended to read as follows:

Ronald Bog restrictions. It is unlawful to use or operate any internal combustion engines or electric engines on Ronald Bog, legally defined as all the water of Ronald Bog located within Section 8, Township 26N, Range 4 East, W.M., in King County, Washington; provided that, nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties. The department of (~~(public works)~~)natural resources and parks shall have the responsibility of posting and maintaining appropriate signs.

SECTION 165. Ordinance 9860 and K.C.C. 12.44.790 are hereby amended to read as follows:

Lake Dolloff restrictions. It is unlawful to use or operate any internal combustion engine on Lake Dolloff, legally defined as all the water of Lake Dolloff located within Section 10, Township 21 North, Range 4 East, W.M., in King County, Washington; provided that, nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties. The department of ((public works))natural resources and parks shall have the responsibility of posting and maintaining appropriate signs.

SECTION 166. Ordinance 10311 and K.C.C. 12.44.800 are hereby amended to read as follows:

Lake Killarney restrictions. It is unlawful to use or operate any internal combustion engine on Lake Killarney, legally defined as all the water of Lake Killarney located within Sections 21, 22, 27 and 28, Township 21 North, Range 4 East, W.M., in King County, Washington; provided that, nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties. The department of ((public works))natural resources and parks shall have the responsibility of posting and maintaining appropriate signs.

SECTION 167. Ordinance 10758 and K.C.C. 12.44.810 are hereby amended to read as follows:

Lake Holm restrictions. It is unlawful to use or operate any internal combustion engine on Lake Holm, legally defined as all the water of Lake Holm (formerly Neilson Lake) located within the SE 1/4 of Section 14, Township 21 North, Range 5 East, W.M., in King County, Washington; provided that, nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties. The department of ((public works))natural resources and parks shall have the responsibility of posting and maintaining appropriate signs.

SECTION 168. Ordinance 12433, section 1, and K.C.C. 12.44.820 are hereby amended to read as follows:

Lake Wilderness restrictions. A. It is unlawful to use or operate any internal combustion engine on Lake Wilderness, legally defined as all the water of Lake Wilderness lying within the East half of Section 21,

Township 22 North, Range 6 East, W.M., West half of Section 22, Township 22 North, Range 6 East, W.M., and the Northwest quarter of Section 27, Township 22 North, Range 6 East, W.M., in King County, Washington; provided that, nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties.

The department of ((~~public works~~))natural resources and parks shall have the responsibility of posting and maintaining appropriate signs.

B. Consistent with K.C.C. 12.44.070, no watercraft equipped with motor propulsion other than internal combustion shall be operated on Lake Wilderness at a speed in excess of eight miles per hour.

SECTION 169. Ordinance 4257, section 6, and K.C.C. 12.46.050 are hereby amended to read as follows:

Anchoring and mooring permit required. Any owner or master who desires to anchor or moor his vessel, watercraft or obstruction and who is not temporarily at anchor or moored in compliance with ((~~Section~~))K.C.C. 12.46.060, shall apply for and obtain from the director a conditional permit prior to anchoring or mooring such craft. Issuance of such permit shall be subject to compliance with the following conditions, as determined by the director:

A. LESS THAN THIRTY DAYS DURATION.

1. The moorage or anchorage shall be compatible with the general public use of the requested area and with the existing land use and land use planning in the vicinity;
2. The moorage or anchorage shall not deprive or materially interfere with the reasonable water access of properties adjacent to or in the vicinity of the requested water area, nor shall the moorage or anchorage encroach on or over privately owned property without the consent of the property owner;
3. No public food sales or retail sales of any other kind, charged or donated admission, holding of animals or fowl, or storage of toxic chemicals or petroleum products (except for propulsion of the craft) shall be permitted without first having obtained all legally required inspections and permits, approvals or licenses

from the public agencies with jurisdiction, including but not limited to the Seattle-King County ((D)) department of ((P))public ((H))health; the King County ((D))departments of ((P))public ((S))safety, ((Public Works, Planning and Community Development, and Executive Administration;))natural resources and parks, development and environmental services and executive services, and the appropriate fire district;

4. Moorage or anchorage for purpose of residential use shall not be permitted;

5. The applicant shall provide to the director and maintain during the period of the permit a bond, cash deposit or sight irrevocable letter of credit from a reputable lending institution approved by the director in an amount specified by the director, but not to exceed five hundred thousand dollars, sufficient to cover the potential cost of removal of the watercraft, vessel or obstruction in the event of sinking; and in the event of adjacent publicly owned structures, the cost of repair thereof in event of collision;

6. The applicant shall provide to the director written proof from the auditor or comptroller of the vessel's or watercraft's home port or principal place of business or use showing that all current taxes and assessments are paid; and

7. The applicant shall execute and deliver to the director upon a form supplied by the director an agreement in writing and acknowledged by the applicant to hold and save harmless the County of King from any and all claims, actions or damages of every kind and description which may accrue to, or be suffered by, any persons by reason of or related to the use and occupation of the waters by the permit holder.

B. THIRTY DAYS OR GREATER DURATION.

1. All conditions necessary for a permit of less than thirty days' duration must be met, except that the bond, cash deposit or sight irrevocable letter of credit from a reputable lending institution approved by the director shall not exceed one million dollars;

2. The applicant shall provide to the director a certificate of seaworthiness from a marine surveyor who is certified by the National Association of Marine Surveyors or from a person certified by a similar professional organization acceptable to the director, except this condition shall not apply to obstructions;

3. Maximum duration shall be three hundred sixty-five days, subject to renewal in accordance with ((Section))K.C.C. 12.46.090.

C. DISCRETIONARY CONDITIONS. In addition to the mandatory conditions specified above, the director may, within his reasonable discretion, require that any one or combination of the following conditions be met:

1. That the applicant, prior to issuance of the permit, provide and maintain in full force and effect while the permit is in force, public liability insurance in an amount specified by the director sufficient to cover potential claims for bodily injury, death or disability and for property damage, which may arise from or be related to the applicant's use of the waters, naming the County of King as an additional insured;

2. That the vessel, watercraft or obstruction connect its plumbing system to the nearest available county sanitary sewers;

3. That the vessel, watercraft or obstruction permit the moorage of vessels or watercraft alongside and access thereto;

4. That the vessel, watercraft or obstruction be removed as soon as privately owned or controlled moorage space becomes available; or

5. Any other condition reasonably related to protecting the public safety, health or welfare.

SECTION 170. Ordinance 2041, section 2, and K.C.C. 12.54.020 are hereby amended to read as follows:

Tax - Administration and collection. The administration and collection of the tax imposed by this chapter shall be by the department of executive ((administration))services, ((office of))finance and business operations division, and pursuant to rules and regulations as may be adopted by the Washington State Gambling Commission.

SECTION 171. Ordinance 5991, sections 1 and 2, and K.C.C. 12.68.770 are hereby amended to read as follows:

Maple Valley. The shooting of firearms is prohibited and a no shooting area is established comprising the following legally described area:

The South 1/2 of the East 3/4 of Section 4, Township 22 N., Range 6 E., W.M., lying Westerly of the center of the Cedar River; TOGETHER with and including the following Lots of Maple Valley Farms (Volume 27 of Plats, page 39): Lots 15, 16, 17 and 18 ALSO Lots 19 through 28 of said Maple Valley Farms and their extension to the center of the Cedar River.

The ((~~Department of Public Works~~))department of natural resources and parks is hereby instructed to install No Shooting Area signs on the perimeter of this area immediately.

SECTION 172. Ordinance 10154, section 4, as amended, and K.C.C. 12.82.040 are hereby amended to read as follows:

Clerk to send notice and file maps. The clerk of the council shall send notice of adoption of each ordinance approving a map pursuant to ((~~section~~))K.C.C. 12.82.020 or K.C.C. 12.82.030 of this chapter to the clerks of the district and superior courts, the office of the prosecuting attorney, the department of ((~~public works~~))transportation, the department of public safety, the department of natural resources and parks, the police department of each jurisdiction within which each mapped school or park is located and the division of records, ((~~and~~)) elections and licensing services as the custodian of official county records.

SECTION 173. Ordinance 10393, section 1, as amended, and K.C.C. 12.82.070 are hereby amended to read as follows:

Catholic Archdiocese. The boundaries of drug-free zones surrounding the following schools as listed in Exhibits A - F located within the Catholic archdiocese are hereby adopted for:

- A. John F. Kennedy Memorial High School; and
- B. St. Francis of Assisi Elementary School;
- C. St. Bernadette Elementary School.
- D. Eastside Catholic High School.

E. St. Luke School

F. Holy Family School

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding these schools within the Catholic Archdiocese, as supported by Archdiocese endorsement, have been filed with the clerk of the council and are on file with the King County department of ~~((public works, roads and engineering))~~ transportation, road services division and the King County department of executive ~~((administration))~~ services, records, ((and))elections and licensing services division.

SECTION 174. Ordinance 10508, section 1, and K.C.C. 12.82.080 are hereby amended to read as follows:

Federal Way School District. The boundaries of drug-free zones surrounding the following schools as listed in Exhibits A - H located within the Federal Way School District are hereby adopted:

A. Camelot Elementary School.

B. Lake Dolloff Elementary and Kilo Junior High Schools.

C. Lakeland Elementary School.

D. North Lake Elementary School.

E. Rainier View Elementary School.

F. Valhalla Elementary School.

G. Woodmont Elementary School.

H. Thomas Jefferson High School.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding these schools within the Federal Way School District, as supported by the Federal Way School District, are on file with the department of ~~((public works, roads and engineering))~~ transportation, road services division and the King County department of executive ~~((administration))~~ services, records, ((and))elections and licensing services division.

SECTION 175. Ordinance 10509, section 1, and K.C.C. 12.82.090 are hereby amended to read as follows:

Lake Washington School District. The boundaries of drug-free zones surrounding the following schools as listed in Exhibits A - N-2 located within the Lake Washington School District are hereby adopted:

- A. Louisa May Alcott Elementary School.
- B-1 and B-2. Emily Dickinson Elementary and Evergreen Junior High Schools.
- C. Robert Frost Elementary School.
- D. Christa McAuliffe Elementary School.
- E. Margaret Mead Elementary School.
- F. John Muir Elementary School.
- G. Carl Sandburg Elementary School.
- H-1 and H-2. Samantha Smith Elementary School.
- I. Henry David Thoreau Elementary School.
- J-1 and J-2. Laura Ingalls Wilder Elementary School.
- K. Finn Hill Junior High School.
- L-1, L-2 and L-3. Inglewood Junior High School.
- M. Kamiakin Junior High School.
- N-1 and N-2. Site 86.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding these schools within the Lake Washington School District, as supported by the Lake Washington School District, are on file with the department of ~~((public works, roads and engineering))~~transportation, road services division and the King County department of executive ~~((administration))~~services, records, ~~((and))~~elections and licensing services division.

SECTION 176. Ordinance 10689, section 1, and K.C.C. 12.82.100 are hereby amended to read as

follows:

Kent School District. The boundaries of drug-free zones surrounding the following schools as listed in Exhibits A - Y located within the Kent School District No. 415 are hereby adopted:

- A. Carriage Elementary School.
- B. Cedar Valley Hill Elementary.
- C. Covington Elementary School.
- D. Crestwood Elementary School.
- E. Fairwood Elementary School.
- F. Grass Lake Elementary School.
- G. Horizon Elementary School.
- H. Jenkins Creek Elementary School.
- I. Lake Youngs Elementary School.
- J. Martin Sortun Elementary School.
- K. Meridian Elementary School.
- L. Panther Lake Elementary School.
- M. Park Orchard Elementary School.
- N. Pine Tree Elementary School.
- O. Ridgewood Elementary School.
- P. Soos Creek Elementary School.
- Q. Springbrook Elementary School.
- R. Sunrise Elementary School.
- S. Administration Center.
- T. Mattson Junior High School.
- U. Meeker Junior High School.

V. Meridian Junior High School.

W. Junior High Site No. 6.

X. Kentridge Senior High School.

Y. Kentwood Senior High School.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding these schools within the Kent School District No. 415, as supported by Kent School District No. 415, are on file with the department of ~~((public works, roads and engineering))~~ transportation, road services division and the King County department of executive ~~((administration))~~ services, records, ((and))elections and licensing services division.

SECTION 177. Ordinance 10690, section 1, and K.C.C. 12.82.110 are hereby amended to read as follows:

Renton School District. The boundaries of drug-free zones surrounding the following schools as listed in Exhibits A - M located within the Renton School District No. 403 are hereby adopted:

A. Benson Hill Elementary School.

B. Campbell Hill Elementary School.

C. Cascade Elementary School.

D. Hazelwood Elementary School.

E. Lakeridge Elementary School.

F. Maplewood Heights Elementary School.

G. Renton Park Elementary School.

H. Sierra Heights Elementary School.

I. A. W. Dimmitt Middle School.

J. Lindbergh High School.

K. Renton Alternative School.

L. John A. Thompson School.

M. Bryn Mawr Elementary School.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding these schools within the Renton School District No. 403, as supported by Renton School District No. 403, are on file with the department of ~~((public works, roads and engineering))~~transportation, road services division and the King County department of executive ~~((administration))~~services, records, ~~((and))~~elections and licensing services division.

SECTION 178. Ordinance 10723 and K.C.C. 12.82.120 are hereby amended to read as follows:

Issaquah School District. The boundaries of drug-free zones surrounding the following schools as listed in Exhibits A - K located within the Issaquah School District No. 411 are hereby adopted:

A. Apollo Elementary School.

B. Briarwood Elementary School.

C. Cougar Ridge Elementary School.

D. Challenger Elementary School.

E. Discovery Elementary School.

F. Maple Hills Elementary School.

G. Sunny Hills Elementary School.

H. Sunset Elementary School.

I. Maywood Middle School.

J. Pine Lake Middle School.

K. Liberty Senior High School.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding these schools within the Issaquah School District No. 411, as supported by the Issaquah School District No. 411, are on file with the department of ~~((public works, roads and engineering))~~transportation, road services

division and the King County department of executive ~~((administration))~~services, records, ~~((and))~~elections and licensing services division.

SECTION 179. Ordinance 10724 and K.C.C. 12.82.130 are hereby amended to read as follows:

Snoqualmie Valley School District. The boundaries of drug-free zones surrounding the following schools as listed in Exhibits A - F located within the Snoqualmie Valley School District No. 410 are hereby adopted:

- A. Fall City Elementary School.
- B. North Bend Elementary School.
- C. Opstad Elementary School.
- D. Chief Kanim Middle School.
- E. Snoqualmie Elementary School, Snoqualmie Middle School and Mt. Si Athletic Fields.
- F. Mt. Si. Senior High School.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding these schools within the Snoqualmie Valley School District No. 410, as supported by the Snoqualmie Valley School District No. 410, are on file with the department of ~~((public works, roads and engineering))~~transportation, road services division and the King County department of executive ~~((administration))~~services, records, ~~((and))~~elections and licensing services division.

SECTION 180. Ordinance 10793, section 1, and K.C.C. 12.82.140 are hereby amended to read as follows:

Enumclaw School District. The boundaries of drug-free zones surrounding the school as listed in Exhibit "A" located within the Enumclaw School District No. 216 are hereby adopted:

- A. Westwood Elementary School.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding this school within the Enumclaw School District 216, as supported by the Enumclaw School District 216, are

on file with the department of (~~((public works, roads and engineering))~~)transportation, road services division and the King County department of executive (~~((administration))~~)services, records, ((and))elections and licensing services division.

SECTION 181. Ordinance 11006 and K.C.C. 12.82.150 are hereby amended to read as follows:

Shoreline School District. The boundaries of drug-free zones surrounding the following schools as listed in Exhibits "A" through "Q" located within the Shoreline School District are hereby adopted:

- A. Briarcrest Elementary School and Shorecrest High School.
- B. Brookside Elementary School.
- C. Cedarbrook Elementary School.
- D. Echo Lake Elementary School.
- E. Highland Terrace Elementary School.
- F. Park Elementary School.
- G. Meridian Park Elementary School.
- H. North City Elementary School.
- I. Parkwood Elementary School.
- J. Ridgecrest Elementary School.
- K. Sunset Elementary School.
- L. Syre Elementary School.
- M. Einstein Middle School.
- N. Kellogg Middle School.
- O. Shorewood High School.
- P. Shoreline Center.
- Q. Aldercrest Annex.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding

these schools within the Shoreline School District, as supported by the Shoreline School District, are on file with the department of ~~((public works, roads and engineering))~~transportation, road services division and the King County department of executive ~~((administration))~~services, records, ~~((and))~~elections and licensing services division.

SECTION 182. Ordinance 11040 and K.C.C. 12.82.160 are hereby amended to read as follows:

Tahoma School District. The boundaries of drug-free zones surrounding the following schools as listed in Exhibits "A" through "G" located within the Tahoma School District No. 409 are hereby adopted:

- A. Cedar River Elementary School and Shadow Lake Elementary School.
- B. Glacier Park Elementary School.
- C. Lake Wilderness Elementary School.
- D. Rock Creek Elementary School and Central Services Center.
- E. Maple Valley High School and Maintenance and Transportation Center.
- F. Tahoma Junior High School.
- G. Tahoma Senior High School.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding these schools within the Tahoma School District No. 409, as supported by the Tahoma School District No. 409, are on file with the department of ~~((public works, roads and engineering))~~transportation, road services division and the King County department of executive ~~((administration))~~services, records, ~~((and))~~elections and licensing services division.

SECTION 183. Ordinance 11080, section 1, and K.C.C. 12.82.180 are hereby amended to read as follows:

Riverview School District. The boundaries of drug-free zones surrounding the following schools as listed in Exhibits "A" through "E" located within the Riverview School District No. 407 are hereby adopted:

- A. Carnation Elementary School.

B. Cherry Valley Elementary School.

C. Stillwater Elementary School.

D. Tolt Middle School.

E. Cedarcrest High School.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding these schools within the Riverview School District No. 407, as supported by the Riverview School District, are on file with the department of ~~((public works, roads and engineering))~~transportation, road services division and the King County department of executive ~~((administration))~~services, records, ~~((and))~~elections and licensing services division.

SECTION 184. Ordinance 11979, section 1, and K.C.C. 12.82.190 are hereby amended to read as follows:

Vashon School District. The boundaries of drug-free zones surrounding the following schools as listed in Exhibits "A" through "C" located within the Vashon School District No. 402 are hereby adopted:

A. Burton Elementary School.

B. Vashon School District No. 402 - Central Campus.

C. Vashon Elementary School.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding these schools within the Vashon School District No. 402, as supported by the Vashon School District No. 402, are on file with the department of ~~((public works, roads and engineering))~~transportation, road services division and the King County department of executive ~~((administration))~~services, records, ~~((and))~~elections and licensing services division.

SECTION 185. Ordinance 11991 and K.C.C. 12.82.200 are hereby amended to read as follows:

Snoqualmie Valley Christian School. The boundaries of a drug-free zone surrounding the Snoqualmie Valley Christian School as shown in Exhibit "A" is hereby adopted.

The map produced by the county engineer of the location and boundaries of the drug-free zone surrounding this school, as supported by the board of directors of the Snoqualmie Valley Christian School, is on file with the department of ~~((public works, roads and engineering))~~ transportation, road services division and the King County department of executive ~~((administration))~~ services, records, ~~((and))~~ elections and licensing services division.

SECTION 186. Ordinance 11071, section 1, as amended, and K.C.C. 12.82.400 are hereby amended to read as follows:

King County parks. The boundaries of drug-free zones surrounding the following parks as listed in Exhibits "A" through "U" located within King County are hereby adopted:

- A. Hamlin Park.
- B. Richmond Beach Park.
- C. Big Finn Hill Park.
- D. White Center Park.
- E. Lakewood Park.
- F. Salmon Creek Park.
- G. Puget Sound Junior High Park.
- H. Skyway Park.
- I. Lake Geneva Park.
- J. Lake Meridian Park.
- K. Springwood Park.
- L. Lake Wilderness.
- M. O.O. Denny.
- N. Juanita Beach.
- O. Pine Lake.

P. Beaver Lake.

Q. Fort Dent.

R. Tracy Owen Station.

S. Petrovitsky.

T. Richmond Highlands

U. Si View.

Copies of the county assessor's maps reproduced by the parks and recreation division which depict the location and boundaries of the drug-free zones surrounding these parks within King County, are on file with the parks and recreation division, and the department of executive ((~~administration~~))services, records, ((~~and~~)elections and licensing services division.

SECTION 187. Ordinance 4307, section 2, as amended, and K.C.C. 13.24.020 are hereby amended to read as follows:

Approving official. The director of the department of natural resources and parks, or the director's authorized designee, shall be the official designated by King County for the approvals required by RCW 57.16.010. Director approval shall be based on recommendations provided by department engineers and the Utilities Technical Review Committee.

SECTION 188. Ordinance 1709, section 6, as amended, and K.C.C. 13.24.080 are hereby amended to read as follows:

Utilities technical review committee - creation and composition. A utilities technical review committee is created consisting of the following representatives as appointed by the director of each department.

A. Two representatives from the department of natural resources((~~, one from the water and land resources division and one from the wastewater treatment division~~)) and parks;

B. One representative from the department of transportation;

C. One representative from the department of development and environmental services;

D. One representative from the Seattle-King County department of public health;

E. One representative from the office of regional policy and planning;

F. One representative from the facilities management division of the department of ~~((construction and facility management, property services division))~~executive services; and

G. One representative from the King County council staff.

SECTION 189. Ordinance 1709, section 8, as amended, and K.C.C. 13.24.100 are hereby amended to read as follows:

Procedures. A. Required copies of all sewer and water comprehensive plans shall be submitted to the King County ~~((division of water and land))~~department of natural resources and parks. The ~~((division of water and land))~~department of natural resources and parks shall have the major responsibility for coordination and support for the utilities technical review committee.

B. Notice of the time and place of the utilities technical review committee meeting shall be provided to the applicant for comprehensive plan approval prior to the meeting.

C. The applicant shall have the right to attend or be represented at any and all meetings upon request.

SECTION 190. Ordinance 665, section 1, and K.C.C. 14.04.010 are hereby amended to read as follows:

Official road/street system. The county executive ~~((of King County))~~has been advised by the director of ~~((public works))~~transportation that the need exists for an official King County road/street system. This system will show, by maps and/or exhibits, the roads/streets for which King County has maintenance responsibility.

SECTION 191. Ordinance 665, section 5, and K.C.C. 14.04.050 are hereby amended to read as follows:

Revision of street exhibits. It shall be the responsibility of the director of ~~((public works))~~

transportation, or his or her appointed representative to revise the King County road/street exhibits. Revisions shall be made as soon as practicable after any change occurs. The director of ~~((public works))~~transportation shall furnish annually a completely revised and current set of exhibits which shall be used for a period of one year as official designator of King County roads/streets.

SECTION 192. Ordinance 665, section 9, and K.C.C. 14.04.090 are hereby amended to read as follows:

Director's annual report. The director of ~~((public works))~~transportation shall have an annual report prepared of the King County road/street system for study and recommendations. The report shall be submitted by the director on January 2nd or as soon thereafter as possible and practicable. The report must contain all additions and deletions to the road/street system. It must also include all physical changes, mileage in each county ~~((division))~~council district and any other information considered relevant to a concise and comprehensive representation of the King County road/street system.

SECTION 193. Ordinance 5701, section 18, as amended, and K.C.C. 14.16.170 are hereby amended to read as follows:

Enforcement and penalty. The director of the department of ~~((public works))~~transportation and the ~~((director of the department of public safety))~~county sheriff are authorized to enforce the provisions of this chapter and any rules and regulations promulgated thereunder.

Any violation of this chapter is a traffic infraction and subject to a penalty of \$250.

SECTION 194. Ordinance 336 (part), as amended, and K.C.C. 14.20.020 are hereby amended to read as follows:

Department of ~~((public works))~~transportation to comply with standards. The department of ~~((public works))~~transportation will comply with the oil Conservation Service Standards, Specifications and Contracting Procedures when working in conjunction with the federal government on a project requiring such compliance.

SECTION 195. Resolution 22903 (part), as amended, and K.C.C. 14.24.010 are hereby amended to read as follows:

Rules adopted. Standards, rules and regulations pertaining to the construction of plat roads and the performance of other road construction work on King County rights-of-way are hereby adopted and approved by the King County council and made an integral part of this chapter. The department of ((~~public works~~)) transportation shall print copies of said standards, rules and regulations and subsequent revisions and additions thereto, and make the same available to anyone proposing to do work on King County rights-of-way. It is also made the duty of the department of ((~~public works~~)) transportation to prepare and periodically update a county bonding schedule for use in determining appropriate construction, maintenance or restoration bonds for road and drainage facilities developed in compliance with adopted standards.

SECTION 196. Resolution 22903 (part), as amended, and K.C.C. 14.24.020 are hereby amended to read as follows:

Enforcement. The director of the department of ((~~public works~~)) transportation is authorized to enforce the provision of this chapter, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of K.C.C. Title 23.

SECTION 197. Ordinance 4895, section 6, as amended, and K.C.C. 14.28.060 are hereby amended to read as follows:

Permit - Extended. A. Upon filing of a complete application and payment of fee, the division may issue a permit authorizing the use of the county right-of-way for a designated use and for a period exceeding one year in duration.

B. The applicant may be required to construct a road to specific standards which may include full compliance with adopted King County road standards, and may be required to post financial guarantees consistent with the provisions of Ordinance 12020 for construction, restoration and maintenance. Construction work and all restoration work required by the permit shall be completed within one year of the permit's

issuance. In addition, the division may set conditions to assure compliance of the permit with other adopted plans, county policies, and regulations.

C. The department of ~~((public works))~~ transportation shall place and maintain permanent sign(s) denoting the end of the county-maintained road.

D. The applicant shall have sole responsibility for the safe construction, operation and maintenance of any improvements to the county right-of-way pursuant to the permit, until such time as the improvements are officially accepted for maintenance by King County.

E. The permit applicant may be required to record a covenant running with the land and for the benefit of King County, which contains:

1. A legal description of the lot or parcel to be served by the right-of-way use permits, limited or extended;
2. A statement indicating that access to such parcel is across an unmaintained county right-of-way, that the county is not responsible for maintenance of the right-of-way and that responsibility for maintenance of the road rests jointly and equitably upon all permit holders;
3. A statement that the owner~~((s))~~ or owners of the parcel will not oppose participation in a county road improvement district, if formation of such a district is deemed necessary by King County;
4. A prohibition against subdividing such parcel without obtaining either plat or short plat approval therefor, or if exempt from platting, a right-of-way use permit for the additional lots being created;
5. A statement that the right-of-way use permit covenant is binding on the successors and assigns of the owner~~((s))~~ or owners; and
6. The acknowledged signature~~((s))~~ or signatures of the owner~~((s))~~ or owners of such parcel.

SECTION 198. Ordinance 4895, section 11, and K.C.C. 14.28.090 are hereby amended to read as follows:

Enforcement. The director of the department of ~~((public works))~~ transportation and the director of the

department of ~~((planning and community development))~~ development and environmental services are authorized to enforce the provisions of this chapter, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of K.C.C. Title 23.

SECTION 199. Ordinance 7025, section 5, and K.C.C. 14.30.025 are hereby amended to read as follows:

Inspection fee. The permit applicant is required to pay an inspection fee at the rate of forty dollars per hour to the department of ~~((public works, roads and engineering division))~~ transportation, for inspections necessary to establish compliance with the terms and conditions of each special use permit. The fees are in addition to any other county fees and are nonrefundable. The fees shall be collected in accordance with administrative procedures developed by the department of ~~((public works))~~ transportation.

SECTION 200. Resolution 9793 (part), as amended, and K.C.C. 14.32.220 are hereby amended to read as follows:

Enforcement. The director of the department of ~~((public works and))~~ transportation is authorized to enforce the provision of this chapter, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of K.C.C. Title 23.

SECTION 201. Ordinance 129, section 1, as amended, and K.C.C. 14.40.015 are hereby amended to read as follows:

Procedure. A. The zoning and subdivision examiner shall hold public hearings on vacations which have been recommended for approval by the department of ~~((public works))~~ transportation, and provide a recommendation to the King County council, as prescribed by RCW 36.87.060.

B. In the event the report by the department of ~~((public works))~~ transportation recommends denial of the vacation petition, the following shall be the operating procedure:

1. Written notification shall be transmitted to the petitioner by the department of ~~((public works))~~ transportation citing the rationale for the denial and indicating that the denial may be appealed to the zoning

and subdivision examiner for hearing and recommendation to the council. A copy of the notice of denial shall be filed with the council clerk's office.

2. The notice of denial shall be final unless the petitioner files a written appeal including a two hundred dollar administrative fee with the council clerk within thirty calendar days of the issuance of the notice of denial. The petitioner's written appeal shall specify the basis for the appeal and any arguments in support of the appeal.

3. Any appeal filed by a petitioner shall be processed by the zoning and subdivision examiner in the same manner as vacations recommended for approval.

SECTION 202. Ordinance 129, section 3, as amended, and K.C.C. 14.40.030 are hereby amended to read as follows:

Condition precedent. The compensation determined to be paid shall be a condition precedent to the vacation of any county road and shall be paid to King County by petitioner within ninety days of receipt of the request for compensation prepared in accordance with K.C.C. 14.40.020. In the event of failure of the petitioner to pay such sum within ninety days, the petition for vacation shall be denied except that if a road proposed for vacation is bordered by more than one parcel of property and if the owners of some, but not all, of those parcels want to have those portions abutting their properties vacated and are willing to pay their prorated share of the required compensation, the department of ~~((public works))~~transportation may so modify the vacation request.

SECTION 203. Ordinance 129, section 4, as amended, and K.C.C. 14.40.040 are hereby amended to read as follows:

Deposit. Each petition for vacation of a road shall be accompanied by a cash deposit in an amount to be determined by the director of the department of ~~((public works))~~transportation, which will be used to defray examination, report, publication, investigative and other costs connected with the application. Such deposit shall not be returned to the petitioner. When deemed necessary by the county executive, he or she may require

an additional deposit to cover appraisal costs.

SECTION 204. Ordinance 11187, section 1, and K.C.C. 14.42.010 are hereby amended to read as follows:

Adoption. A. "King County Road Standards," 1993 update, as amended by the council December 20, 1993, incorporated herein as Attachment A to Ordinance 11187 with amended Sections 2.03, 2.20, 2.21, 3.02, 5.03 and 5.10 as Attachment B to Ordinance 11187 are hereby approved and adopted as the King County standards for road design and construction.

B. Consistent with council's direction and intent in adopting these standards, the department of ~~((public works))~~transportation is hereby authorized to develop public rules and make minor changes to the drawings in order to better implement the standards and as needed to stay current with changing design and construction technology and methods.

C. Consistent with council's direction and intent in adopting these standards, the department of ~~((public works))~~transportation will establish a committee consisting of county staff and representatives of the fire and emergency medical service and development communities. The committee will investigate alternative roadway widths and other road standard related issues that impact the ability to provide emergency fire and medical service to the public and report findings back to council by September 1994.

SECTION 205. Ordinance 11790, section 1, and K.C.C. 14.44.055 are hereby amended to read as follows:

Emergency construction permits - Unfranchised utilities. A. The~~((-property-services))~~ facilities management division may issue right-of-way construction permits to unfranchised utilities under the following circumstances:

1. When the Seattle-King County department of public health has determined that the proposed work is necessary to address a public health hazard; or

2. When the ~~((roads))~~road services division~~((;))~~ of the department of~~((-public-works))~~ transportation

has determined that the proposed work is necessary to address actual or imminent damage to county right-of-way or to address hazards to users of county right-of-way.

B. No right-of-way construction permit for sewer or water facility construction shall be issued unless the ~~((property services))~~facilities management division receives a determination from the chair of the utilities technical review committee that the proposed work is consistent with the King County Comprehensive Plan codified in K.C.C. Title 20 and with K.C.C. 13.24.132, 13.24.134, 13.24.138 and 13.24.140.

C. The permit applicant shall be required to meet all conditions of this chapter, except K.C.C. 14.44.050A and C.

SECTION 206. Ordinance 1711, section 8, as amended, and K.C.C. 14.44.080 are hereby amended to read as follows:

Performance guarantee required. Prior to final approval of all right-of-way construction permits, the department of ~~((public works))~~transportation shall determine the amount of the performance guarantee necessary to assure compliance with the approved construction plans, applicable state and local health and sanitation regulations, county standards for water mains and fire hydrants and to assure proper restoration of the road and the health and safety of the users of the road. The applicant shall submit the financial guarantee consistent with the provisions of K.C.C. Title 27A.

SECTION 207. Ordinance 1711, section 9, and K.C.C. 14.44.090 are hereby amended to read as follows:

Construction permit - Form. The right-of-way construction permit granted shall be in a form approved by and be made subject to all reasonable and necessary terms and conditions imposed by the department of ~~((public works))~~transportation.

SECTION 208. Ordinance 1711, section 10, and K.C.C. 14.44.100 are hereby amended to read as follows:

Notification by permittee of construction commenced. The permittee is required to give oral or

written notice of the date construction will begin to the following agencies: department of ~~((public works))~~ transportation for all right-of-way construction; Seattle-King County department of public health for construction of waterworks (except for domestic service connections); and King County fire marshal for waterworks. Failure to give such notice is grounds for the revocation or suspension of the construction permit.

SECTION 209. Ordinance 1711 (part), as amended, and K.C.C. 14.44.110 are hereby amended to read as follows:

Enforcement. The director of the department of ~~((public works))~~ transportation and the director of the Seattle-King County department of public health are authorized to enforce the provisions of this chapter, the ordinances codified in it, and any rules and regulations adopted hereunder pursuant to the enforcement and penalty provisions of K.C.C. Title 23.

SECTION 210. Ordinance 4099, section 2, and K.C.C. 14.46.020 are hereby amended to read as follows:

Permit - Required - Exceptions. All utility construction work and other uses performed upon, along, over, under or across any public place in King County shall require a permit to be issued by the ~~((real property))~~ facilities management division~~((of the department of executive administration))~~; provided, that construction work undertaken by King County or under contract to King County or requested by King County due to new construction shall be exempted from this requirement. Utility construction work includes, but is not limited to, construction and maintenance of waterworks, gas pipes, telephone, telegraph and electric lines, sewers, cable television and petroleum products and any other such public and private utilities.

SECTION 211. Ordinance 4099, section 3, and K.C.C. 14.46.030 are hereby amended to read as follows:

Permit - Issuance authority - Use. The ~~((department of executive administration, real property))~~ facilities management division is authorized to issue revocable permits for all utility construction work and installation, and other uses upon, along, over, under or across any public place in King County. The permits

shall be used to authorize an act or series of acts on King County owned real property which is not dedicated as right-of-way.

SECTION 212. Ordinance 1503, section 1, and K.C.C. 14.48.010 are hereby amended to read as follows:

Designation. Certain arterial highways and school bus routes in King County, to be identified and so designated by the director of ~~((public works))~~transportation, are declared snow emergency routes. Such snow emergency routes shall be the first roads and streets to be sanded and/or cleared of snow.

SECTION 213. Ordinance 1503, section 2, and K.C.C. 14.48.020 are hereby amended to read as follows:

Publication. The director of ~~((public works))~~transportation shall issue a news bulletin to all newspapers of general circulation serving King County, a listing of all such snow emergency routes. Such listing of snow emergency routes shall be prepared and a news bulletin issued within two weeks of January 29, 1973, and thereafter annually, prior to the second Monday in November.

SECTION 214. Ordinance 1503, section 3, and K.C.C. 14.48.030 are hereby amended to read as follows:

Snow emergency - Declaration authority - News bulletin. The director of ~~((public works))~~transportation or his or her authorized representative is empowered to declare a snow emergency. The director shall establish guidelines for conditions which will warrant the declaring of a snow emergency.

When a snow emergency is declared, the director shall issue an emergency news bulletin to all radio and television stations and newspapers serving King County, and to the ~~((director of public safety))~~county sheriff, so that there may be coordination for the deployment of personnel and equipment.

SECTION 215. Ordinance 1503, section 4, and K.C.C. 14.48.040 are hereby amended to read as follows:

Coordination of snow removal activities with other jurisdictions. The director of ~~((public works))~~

transportation shall coordinate King County snow removal activities with federal, state, county and local jurisdictions located within or adjacent to King County for the purpose of continuity in clearing snow emergency routes.

SECTION 216. Ordinance 3027, section 2, and K.C.C. 14.52.020 are hereby amended to read as follows:

Sidewalk - Repair determination - Responsibility and costs. Whenever a portion of any street or road, including any boulevard, avenue, lane or place, is improved by a sidewalk thereon, and the sidewalk shall have become unfit or unsafe for public travel, the department of ((~~public works~~))transportation may determine that the repair of that portion of sidewalk is necessary for the public safety and convenience. If the department does so find, the duty, burden and expense of repair shall be the responsibility of the abutting property owner; provided, that the abutting property owner shall not be charged with any costs of repair in excess of twenty-five percent of the valuation of the abutting property, exclusive of improvements.

SECTION 217. Ordinance 3027, section 3, and K.C.C. 14.52.030 are hereby amended to read as follows:

Sidewalk - Notice to repair - Cost assessment. Whenever the department of ((~~public works~~))transportation has determined that a portion of a sidewalk has become unfit or unsafe for public travel, the department shall serve a written notice on the owner of the abutting property, instructing the owner to repair the sidewalk in accordance with standard plans and specifications which shall be attached to the notice. The notice may be delivered in person to the owner, to the resident of the property, or by mail to the last known address of the property owner. If the owner is unknown, a copy of the notice shall be posted in a conspicuous place on the portion of the street where the improvements are to be made. The notice shall specify a reasonable time for such construction or reconstruction and shall also state that in the event the project is not completed within the time period specified, the department of ((~~public works~~))transportation will proceed to have the improvements completed. Following completion, the department will report to the council an assessment roll showing the lots

or parcels abutting the project and the name of the owner~~((s))~~ or owners. Upon expiration of the normal time for hearing protests as specified in RCW 36.88.090, the council shall assess the cost for the improvement against the abutting property owner which shall become a lien against the property if not paid.

SECTION 218. Ordinance 3027, section 4, and K.C.C. 14.52.040 are hereby amended to read as follows:

Planting strip maintenance. Maintenance of planting strips including trees, shrubbery, grass or other ground cover shall be the responsibility of the abutting property owner. Should the director of ~~((public works))~~ transportation find that such property is not being properly maintained, a notice shall be forwarded as provided in ~~((Section))~~ K.C.C. 14.52.030, specifying a reasonable time within which such maintenance shall be accomplished. If the owner fails to proceed, the department of ~~((public works))~~ transportation will have the maintenance performed, and the cost will be assessed against the property owner as provided in ~~((Section))~~ K.C.C. 14.52.030.

SECTION 219. Ordinance 3027, section 5, and K.C.C. 14.52.050 are hereby amended to read as follows:

Sidewalk - Snow, ice and trash removal required when. It is unlawful for any person, firm or corporation owning real property within the unincorporated area to permit the accumulation of snow, ice, trash or any other matter on an existing sidewalk which impedes the normal flow of pedestrian traffic. In the event the property is owned by a person not a resident of King County, a reasonable period of time shall be provided for the owner or his agent to remove the material. If such removal is not accomplished within a reasonable period of time, the director of ~~((public works))~~ transportation may have the sidewalk cleaned and the cost thereof shall be a lien on the property.

SECTION 220. Ordinance 11617, section 50, and K.C.C. 14.75.110 are hereby amended to read as follows:

Funding of projects. A. An MPS trust and agency fund is hereby created. This MPS fund shall be a

first-tier fund as described in ~~((King County Code))~~ K.C.C. ((C)) chapter 4.10. The director of the department of ~~((public works))~~ transportation shall be the fund manager. MPS fees shall be placed in appropriate deposit accounts within the MPS fund.

B. The MPS fees paid to the county shall be held and disbursed as follows:

1. The fees collected for each MPS project shall be placed in a deposit account within the MPS fund;
2. The ~~((roads and engineering))~~ road services division is authorized to transfer the project fees held in the MPS fund to the CIP fund no less than once a year in the year following receipt of the fees;
3. The non-MPS fee monies appropriated for the MPS project shall comprise both the public share of the project cost and an advancement of that portion of the private share that has not yet been collected in MPS fees;
4. The first money spent by the department on an MPS project after a council appropriation shall be deemed to be the fees from the MPS fund;
5. Fees collected after a project has been fully funded by means of one or more council appropriations shall constitute reimbursement to the county of the public monies advanced for the private share of the project. The public monies made available by such reimbursement shall be used to pay the public share of other MPS projects or to pay for smaller scale, growth-related projects that are not placed on the MPS Project List; and
6. All interest earned on the MPS fees paid by developers shall be retained in the account and expended for the purpose or purposes for which the impact fees were imposed.

C. MPS fees for transportation facility improvements shall be expended only in conformance with the transportation element of the King County Comprehensive Plan.

D. MPS projects shall be funded by a balance between MPS fees and other sources of public funds, and shall not be funded solely by MPS fees.

E. MPS fees shall be expended or encumbered for a permissible use within six years of receipt, unless there exists an extraordinary or compelling reason for fees to be held longer than six years. The department

may recommend to the council that the county hold fees beyond six years in cases where extraordinary or compelling reasons exist. Such reasons shall be identified in written findings by the council.

F. The department and the council may pool the MPS fees already collected from a development whenever appropriate to help finance a project with high priority among the projects impacted by the development.

G. The department shall pool MPS fees whenever necessary to ensure that the fees are expended or encumbered for a permissible use within six (6) years of receipt. Pooling for such purpose shall be accomplished as follows:

1. The department shall determine which project has the highest priority among the projects for which MPS fees were collected for each such development, and the department shall transfer the MPS fees paid by the development to the budget of the project with the highest priority.

2. The department shall indicate in the TNR which projects have funds in their budget that have been pooled to ensure that they are expended or encumbered in a timely manner.

H. The department shall prepare an annual report on each MPS fee account showing the source and amount of all moneys collected, earned or received and transportation improvements that were financed in whole or in part by MPS fees.

SECTION 221. Ordinance 7444, section 8, and K.C.C. 15.90.080 are hereby amended to read as follows:

Organization of Board of Directors. Upon issuance of the charter, the county executive or his or her ((deputy))designee shall call an organizational meeting of the initial board of directors within ten days, giving at least three days' advance written notice to each, unless waived in writing. At such meeting, the board shall organize itself, may appoint officers, and select the place of business.

SECTION 222. Ordinance 1488, section 11, as amended, and K.C.C. 16.82.100 are hereby amended to read as follows:

Operating conditions and standards of performance. A. Any activity that will clear, grade or otherwise disturb the site, whether requiring a clearing or grading permit or not, shall provide erosion and sediment control (ESC) that prevents, to the maximum extent possible, the transport of sediment from the site to drainage facilities, water resources and adjacent properties. Erosion and sediment controls shall be applied as specified by the temporary ESC measures and performance criteria and implementation requirements in the King County erosion and sediment control standards. Activities performed as Class I, II, III or IV Special forest practices shall apply erosion and sediment controls in accordance with chapter 76.09 RCW and Title 222 WAC.

B. Cuts and fills shall conform to the following provisions unless otherwise approved by the director.

1. Slope. No slope of cut and fill surfaces shall be steeper than is safe for the intended use and shall not exceed two horizontal to one vertical, unless otherwise approved by the director.

2. Erosion control. All disturbed areas including faces of cuts and fill slopes shall be prepared and maintained to control erosion in compliance with subsection A.

3. Preparation of ground. The ground surface shall be prepared to receive fill by removing unsuitable material such as concrete slabs, tree stumps, brush and car bodies.

4. Fill material. Except in an approved sanitary landfill, only earth materials which have no rock or similar irreducible material with a maximum dimension greater than eighteen inches shall be used.

5. Drainage. Provisions shall be made to:

a. prevent any surface water or seepage from damaging the cut face of any excavations or the sloping face of a fill;

b. carry any surface waters that are or might be concentrated as a result of a fill or excavation to a natural watercourse, or by other means approved by the department of ~~((public works))~~ natural resources and parks;

6. Bench/terrace. Benches, if required, at least ten feet in width shall be back-sloped and shall be

established at not more than twenty-five feet vertical intervals to control surface drainage and debris. Swales or ditches on benches shall have a maximum gradient of five percent.

7. Access roads - maintenance. Access roads to grading sites shall be maintained and located to the satisfaction of the King County department of ((public works))transportation to minimize problems of dust, mud and traffic circulation.

8. Access roads - gate. Access roads to grading sites shall be controlled by a gate when required by the director.

9. Warning signs. Signs warning of hazardous conditions, if such exist, shall be affixed at locations as required by the director.

10. Fencing. Fencing, where required by the director, to protect life, limb and property, shall be installed with lockable gates which must be closed and locked when not working the site. The fence must be no less than five feet in height and the fence material shall have no horizontal opening larger than two inches.

11. Setbacks. The tops and the toes of cut and fill slopes shall be set back from property boundaries as far as necessary for safety of the adjacent properties and to prevent damage resulting from water runoff or erosion of the slopes.

The tops and the toes of cut and fill slopes shall be set back from structures as far as is necessary for adequacy of foundation support and to prevent damage as a result of water runoff or erosion of the slopes.

Slopes and setbacks shall be determined by the director.

12. Excavations to water-producing depth. All excavations must either be made to a water-producing depth or grade to permit natural drainage. The excavations made to a water-producing depth shall be reclaimed in the following manner:

- a. the depth of the excavations must not be less than two feet measured below the low-water mark.
- b. all banks shall be sloped to the water line no steeper than three feet horizontal to one foot vertical.
- c. all banks shall be sloped from the low-water line into the pond or lake with a minimum slope of

three feet horizontal to one foot vertical to a distance of at least twenty-five feet.

d. in no event shall the term water-producing depth as herein used be construed to allow stagnant or standing water to collect or remain in the excavation.

e. the intent of this provision is to allow reclamation of the land which will result in the establishment of a lake of sufficient area and depth of water to be useful for residential or recreational purposes.

13. Hours of operation. Hours of operation, unless otherwise authorized by the director, shall be between seven a.m. and seven p.m.

SECTION 223. Ordinance 1488, section 12, as amended, and K.C.C. 16.82.110 are hereby amended to read as follows:

Land restoration. A. Upon the exhaustion of minerals or materials or upon the permanent abandonment of the quarrying or mining operation, all nonconforming buildings, structures, apparatus or appurtenances accessory to the quarrying and mining operation shall be removed or otherwise dismantled to the satisfaction of the director. This requirement shall not require land restoration on projects completed prior to January 1, 1971, except those covered under previously existing zoning requirements.

B. Final grades shall be such so as to encourage the uses permitted within the underlying zone classification.

C. Grading or backfilling shall be made with nonnoxious, nonflammable, noncombustible and nonputrescible solids.

D. Such graded or backfilled areas, except for roads, shall be sodded or surfaced with soil of a quality at least equal to the topsoil of the land areas immediately surrounding, and to a depth of at least four inches or a depth of that of the topsoil of land areas immediately surrounding if less than four inches.

E. Such topsoil as required by subdivision D. shall be planted with trees, shrubs, legumes or grasses, and said flora shall be so selected as to be indigenous to the surrounding area.

F. Graded or backfilled areas shall be reclaimed in a manner which will not allow water to collect and

permit stagnant water to remain. Suitable drainage systems approved by the department of ~~((public works))~~ natural resources and parks shall be constructed or installed if natural drainage is not possible.

G. Waste or soil piles shall be leveled and the area treated as to sodding or surfacing and planting as required in ~~((subdivisions))~~ subsections D. and E. of this section.

SECTION 224. Ordinance 9614, section 103, as amended, and K.C.C. 16.82.150 are hereby amended to read as follows:

Clearing standards. A. For clearing and grading permits issued under this chapter, the current clearing standards contained in this section and in the following regulations shall apply:

1. The Sensitive Areas Code, K.C.C. chapter 21A.24, and its adopted administrative rules;
2. Property-specific development standards pursuant to K.C.C. chapter 21A.38;
3. Critical drainage area designations identified by adopted administrative rule; and
4. Wildlife habitat corridors pursuant to K.C.C. chapter 21A.14.

B. Within sensitive areas designated pursuant to K.C.C. chapter 21A.24, uses shall be limited to those specified in that chapter. Within any other areas subject to clearing restrictions referenced or contained in this section, the following uses are allowed under a clearing permit:

1. Timber harvest in accordance with a timber harvest management plan and clearing permit approved by the department of development and environmental services or a successor agency. That department shall promulgate administrative rules specifying the contents of, and the submittal requirements and approval criteria for, timber harvest management plans in consultation with the department of natural resources and parks prior to any permit approvals for timber harvest within these tracts or easements;

2. Passive recreation uses and related facilities, including pedestrian and bicycle trails, nature viewing areas, fishing and camping areas, and other similar uses that do not require permanent structures, provided that cleared areas and/or areas of compacted soils associated with these uses and facilities do not exceed eight percent of the area of the tract or easement. Within wildlife habitat corridors, trail widths shall be the minimum

allowed under adopted trail standards and no other recreation uses shall be permitted in the one hundred fifty foot minimum width of the corridor;

3. Utilities and utility easements, including surface water facilities, provided that such uses are within or adjacent to existing road or utility easements whenever possible. Within wildlife habitat corridors, existing or multiple utility uses within established easements shall be allowed within the one hundred fifty foot minimum width of the corridor. Development of new utility corridors shall be allowed within wildlife habitat corridors only when multiple uses of existing easements are not feasible and the utility corridors are sited and developed using county-approved best management practices to minimize disturbance; and

4. Removal of dangerous and or damaged trees.

C. For the RA (Rural Area) zoned areas in either the Bear Creek Basin, Issaquah Creek basin, the Soos Creek basin, the May Creek basin, the East Sammamish Community Planning Area or the Bear Creek Community Planning Area:

1. Clearing shall be limited to a maximum of thirty-five percent of the lot or plat area or the amount legally cleared prior to the effective date of any clearing regulations in effect at the time of the clearing, whichever is greater, except under conditions specified below:

a. Clearing shall be limited to a maximum of sixty percent of the lot or plat area if the approved permit requires flow control and water quality facilities in accordance with standards set forth in the applicable adopted basin plan and the King County Surface Water Design Manual;

b. In the Soos Creek basin, clearing shall be limited to a maximum of eighty percent of the lot or plat area, except in designated Regionally Significant Resource Areas where clearing shall be limited to a maximum of sixty-five percent of the lot or plat area. Buffers for all sensitive areas designated under K.C.C. Title 21A and sensitive areas except for submerged lands may be counted towards meeting the requirement. Building permits for single-family residential building on individual lots shall be exempt from the clearing limit in the Soos Creek basin;

c. Clearing required for the construction of access, utilities and septic systems to serve any lots 1.25 acres or smaller in size shall not be counted towards the thirty-five percent maximum clearing standard;

d. On individual lots smaller than twenty thousand square feet, up to seven thousand square feet may be cleared; and

e. Clearing standards for Urban Planned Developments and Mineral zoned properties will be determined through their own designated review processes.

2. For subdivisions and short subdivisions, portions of the plat that are required to remain uncleared shall be retained in one or more open space tracts, with all developable lots sited on the portions of the plat approved to be cleared. Sensitive areas designated under K.C.C. Title 21A shall be recorded separately from tracts mandated by this regulation, but may be counted towards meeting these requirements. Tracts mandated by this regulation may be retained by the subdivider, conveyed to residents of the subdivision, or conveyed to a third party. Open space tracts shall be shown on all property maps and shall be protected by covenants, approved by the county, that restrict their uses to those listed in K.C.C. 16.82.150B. All open space tracts established pursuant to this regulation shall be clearly marked with at least one sign per buildable lot adjoining the tract indicating that the tract is permanent, dedicated open space.

3. For individual lots, the clearing limits shall be applied at the time of building permit application unless the lot is within a subdivision that has been approved with other conditions to meet the standard established in ~~((paragraph))~~ subsection C.2 of this section. In cases where conditions are applied to the subdivision, individual lots shall be exempt from the clearing restrictions in ~~((paragraph))~~ subsection C.1 of this section. The uses and restrictions on the uncleared portions of individual lots shall be those specified in K.C.C. 16.82.150B. Sensitive areas designated under K.C.C. Title 21A may be counted towards meeting requirements on individual lots.

4. The subdivision or permitting of building on parcels that are cleared in violation of the regulations in effect at the time of the clearing shall be subject to conditions requiring the restoration of trees and

understory vegetation on at least sixty-five percent of the plat or lot, or, where applicable, on the percentage of the site that was to remain uncleared under ~~((paragraph))~~ subsection C.1 of this section. A restoration plan shall be required of permit applicants, and shall be subject to the approval of the department of development and environmental services. That department shall prepare administrative rules regarding the review and approval of restoration plans in consultation with the department of natural resources and parks before approving subdivision or building permits for parcels cleared in violation of applicable clearing regulations. The administrative rules shall also specify when a restoration plan will be deemed sufficient to forego the six year moratorium on permitting authorized in K.C.C. 16.82.140.

5. In the Bear Creek basin and the Bear Creek Community Planning Area, the requirements of ~~((paragraphs))~~ subsections C.1 through ((C))4 of this section shall be modified or waived by the director for proposed projects that meet the following conditions:

a. The project shall consist of one or more of the following uses:

- (1) Government services listed in K.C.C. 21A.08.060,
- (2) Educational services listed in K.C.C. 21A.08.050,
- (3) Parks as listed in K.C.C. 21A.08.040 when located adjacent to an existing or proposed school,
- (4) Libraries listed in K.C.C. 21A.08.040, and
- (5) Road projects;

b. The project site shall not be located in a designated regionally significant resource area except for utility corridors that can demonstrate no feasible alternative;

c. The project shall clear the minimum necessary to accommodate the proposed use which includes all the allowed ballfields, playfields, other facilities, and spaces proposed by the public agency to carry out its public function; and

d. The project shall meet the on-site flow control and water quality standards set forth in the applicable adopted basin plan and the Surface Water Design Manual.

The modification or waiver shall not exempt the project from any other code provisions which may apply. The director's decision may be appealed to the zoning and subdivision examiner pursuant to K.C.C. chapter 20.24, provided that any such appeal must be consolidated with an appeal, if any, heard by the examiner on the merits of the proposed project.

6. In the Issaquah Creek basin, the Soos Creek basin and the East Sammamish Community Planning Area, the following standards shall apply:

a. In the regionally significant resource areas, except for utility corridors that can demonstrate no feasible alternative, the requirements of ~~((paragraphs))~~ subsections C.1 through ((C))4 shall apply; and

b. In areas outside of the regionally significant resources areas, projects that consist of one or more of the uses identified in C5(a)(1) to (4) shall be exempt from the requirements of ~~((paragraphs))~~ subsections C.1 through ((C))4.

D. Construction projects can be a significant contributor of pollution to streams and wetlands. Therefore, from October 1 through March 31, in the Bear Creek Community Planning Area, the Northshore Community Planning Area, the East Sammamish Community Planning Area and the Soos Creek and Hylebos Creek basins:

1. Clearing and grading shall only be permitted if shown to the satisfaction of the director that silt-laden runoff exceeding standards in the King County Surface Water Design Manual will be prevented from leaving the construction site through a combination of the following:

- a. site conditions including vegetative coverage, slope, soil type and proximity to receiving waters;
- b. limitations on activities and the extent of disturbed areas; and
- c. proposed erosion and sedimentation control measures.

2. The director shall set forth in writing the basis for approval or denial of clearing or grading during this period.

3. Clearing and grading will be allowed only if there is installation and maintenance of an erosion and

sedimentation control plan approved by the department which shall define any limits on clearing and grading or specific erosion and sediment control measures required during this period. Alternate best management practices may be approved or required on-site by the inspector.

4. If, during the course of construction, silt-laden runoff exceeding standards in the King County Surface Water Design Manual leaves the construction site or if clearing and grading limits or erosion and sediment control measures shown in the approved plan are not maintained, a notice of violation shall be issued.

5. If the erosion and sediment control problem defined in the violation is not adequately repaired within twenty-four hours of the notice of violation, then a notice and order may be issued by the inspector to install adequate erosion and sediment control measures to stop silt-laden runoff from leaving the site. The notice and order may also require the contractor to discontinue any further clearing or grading, except for erosion and sediment control maintenance and repair, until the following March 31.

6. The following activities are exempt from the seasonal clearing and grading requirements of this subsection:

- a. Routine maintenance and necessary repair of erosion and sediment control facilities;
- b. Routine maintenance of public facilities or existing utility structures as provided by K.C.C.

21A.24.050B;

- c. Activities where there is one hundred percent infiltration of surface water runoff within the site in approved and installed erosion and sedimentation control facilities;
- d. Typical landscaping activities of existing single family residences that do not require a permit;
- e. Class I, II, III and IV Special forest practices;
- f. Mineral extraction activities on sites with approved permits; and
- g. Public agency response to emergencies that threaten the public health, safety and welfare.

SECTION 225. Ordinance 5770, section 302, and K.C.C. 18.12.020 are hereby amended to read as follows:

Applicability - Land Use Management and Transportation. The King County ((Department of Planning, and Community Development; the Planning Division, the Building and Land Development Division; the King County Zoning and Subdivision Examiner; the Department of Public Works and other County))departments and agencies charged with land use and transportation responsibilities shall, to the extent feasible, consider the goals, policies and programs of the King County Energy Management Program when making land use and transportation decisions and recommendations.

SECTION 226. Ordinance 9153, as amended, and K.C.C. 20.12.430 are hereby amended to read as follows:

King County Transportation Plan. A. The King County Transportation Plan consists of the following elements:

1. Policy element, consisting of the transportation-related policies from the King County Comprehensive Plan 1985, and the transit/ridesharing/rail policy actions.
2. The arterial functional classification report changes [Exhibit A to Ordinance 11170].
3. The transportation priority process.
4. The annual transportation needs report.
5. The implementation strategy report, as amended.

B. The council finds that the King County Transportation Plan environmental impact statement is adequate to support adoption of the King County Transportation Plan.

C. The King County Transportation Plan, dated October 1989, is adopted as the functional plan implementing the transportation policies established by the King County Comprehensive Plan. As an amplification and augmentation of the King County Comprehensive Plan, it constitutes official county policy with regard to surface transportation issues.

D. The King County Transportation Plan's elements dealing with "Transportation Needs Report" and "Arterial Functional Classification" shall be subject to an annual review and update process preparatory to the

capital improvement program budgeting process. Updates shall incorporate community plan revisions, additional functional plan elements, other local and regional transportation plans and studies, and other information available to the county road engineer, and shall include public review and information in the annual review of the updates. The department of ~~((public works))~~transportation shall provide an update report to the executive and council on these elements before finalization of the roads capital improvement program budget identifying possible changes to the needs lists or arterial classifications, and why these changes are needed.

E. The Transportation Plan shall be implemented through:

1. Adoption of an annual six year capital improvement program.
2. Application of the Road Adequacy Standards, K.C.C. Title 14.
3. Application of the mitigation payment system, K.C.C. Title 14.
4. Mitigation of transportation impacts as required and authorized under the State Environmental Policy Act.
5. Road maintenance and traffic operating improvements.
6. Pursuit of additional funding sources at the local, state and federal levels whenever possible.
7. Participation by the county in regional efforts to enhance bus transit usage and development of a rail/high capacity transit system.
8. Establishment of a system for reviewing proposed developments for their impacts on equestrian, pedestrian and bicycle traffic and requiring mitigation when adverse impacts will occur.
9. Development of transportation system management techniques, zoning code changes, and road improvements to enhance the use of transit and increase vehicle occupancy.
10. Coordination of plans, projects, programs and policies with other governments.

SECTION 227. Ordinance 4461, section 2, as amended, and K.C.C. 20.24.080 are hereby amended to read as follows:

Final decisions by the examiner. A. The examiner shall receive and examine available information,

conduct open record public hearings and prepare records and reports thereof, and issue final decisions, including findings and conclusions, based on the issues and evidence in the record, which shall be appealable to superior court as provided by K.C.C. 20.24.240, or to other designated authority in the following cases:

1. Appeals from the decisions of the administrator for short subdivisions, including those variance decisions of the road engineer made pursuant to K.C.C. 14.42.060 with regard to road circulation in the subject short divisions;
2. Appeals of all Type 2 land use decisions with the exception of appeals of shoreline permits including shoreline variances and conditional uses which are appealable to the state shoreline hearings board;
3. Appeals from citations, notices and orders and stop work orders issued pursuant to K.C.C. Title 23 or Title 1.08 of the rules and regulations of the King County board of health;
4. Appeals from decisions regarding the abatement of a nonconformance;
5. Appeals from decisions of the director of the department of natural resources and parks on requests for rate adjustments to surface and storm water management rates and charges;
6. Appeals from department of public safety seizures and intended forfeitures, when properly designated by the chief law enforcement officer of that department as provided in RCW 69.50.505;
7. Appeals from notices and certifications of junk vehicles to be removed as a public nuisance as provided in K.C.C. Title 21A and K.C.C. chapter 23.10;
8. Appeals from the department's final decisions regarding transportation concurrency, mitigation payment system and intersection standards provisions of K.C.C. Title 14;
9. Appeals from decisions of the Interagency Review Committee regarding sending site applications for certification pursuant to K.C.C. chapter 21A.55, Transfer of Residential Development Credits((-)); and
10. Other applications or appeals which the council may prescribe by ordinance.

B. The examiner's decision may be to grant or deny the application or appeal, or the examiner may grant the application or appeal with such conditions, modifications and restrictions as the examiner finds

necessary to make the application or appeal compatible with the environment and carry out applicable state laws and regulations, including chapter 43.1013 RCW, and the regulations, policies, objectives and goals of the comprehensive plan, the community plans, subarea or neighborhood plans, the zoning code, the subdivision code and other official laws, policies and objectives of King County. In case of any conflict between the King County Comprehensive Plan and a community, subarea or neighborhood plan, the King County Comprehensive Plan shall govern.

SECTION 228. Ordinance 1076, section 3, as amended, and K.C.C. 20.36.030 are hereby amended to read as follows:

Applications. An owner of farm and agricultural land desiring current use assessment under chapter 84.34 RCW shall make application to the county assessor and an owner of open space land desiring assessed valuation under the public benefit rating system or an owner of timber land desiring current use assessment shall make application to the county council by filing an application with the department natural resources and parks. The application shall be upon forms supplied by the county and shall include such information deemed reasonably necessary to properly classify an area of land under chapter 84.34 RCW with a notarized verification of the truth thereof.

SECTION 229. Ordinance 10511, section 7, as amended, and K.C.C. 20.36.100 are hereby amended to read as follows:

Criteria for approval - public benefit rating system for open space land. A. Rating system. To be eligible for open space classification under the public benefit rating system, property must contain one or more priority open space resources. These resources are ranked as high priority, medium priority and low priority resources and are based on the adopted King County Open Space Plan referenced in K.C.C. 20.12.380. High priority resources receive five points each, medium priority resources receive three points each and low priority resources receive one point each. Property can receive a maximum of thirty points from no more than six open space priority resources. In addition, bonus points and super bonus points may be awarded pursuant to K.C.C.

20.36.100B and ((~~K.C.C. 20.36.100~~))C and a property can achieve a maximum of fifty-two points through the rating system and the bonus system. Portions of property may also qualify for open space designation.

Complete definitions of each resource, sources and eligibility standards are fully described in the summary report adopted by reference by K.C.C. 20.36.150. The department of natural resources and parks shall have administrative authority to interpret issues relating to the priority resource definitions and eligibility standards outlined in the summary report.

1. High priority resources - five points each.
 - a. Active or passive recreation area.
 - b. Property under option for purchase as park, recreation, open space land or CIP mitigation site.
 - c. Aquifer protection area.
 - d. Shoreline: "Conservancy" environment.
 - e. Scenic resource, viewpoint or view corridor.
 - f. Surface water quality buffer area.
 - g. Open space close to urban or growth area.
 - h. Significant plant, wildlife or salmonid habitat area.
 - i. Significant aquatic ecosystem.
 - j. Historic landmark/archaeological site: designated site.
 - k. Trail linkage.
 - l. Urban or growth area open space.
 - m. Farm and agricultural conservation land.
 - n. Forest stewardship land.
2. Medium priority resources - three points each.
 - a. Public land or right-of-way buffer.
 - b. Special native plant site.

- c. Natural shoreline environment.
- d. Geological feature.
- e. Eligible historic landmark or archaeological site.
- f. Buffer to designated historic landmark/archaeological site.
- g. Special animal site.

3. Low priority resource - one point.

- a. Buffer to eligible historic/archaeological site.

B. Bonus System. Property qualifying in the specific high, medium or low priority categories may receive up to twenty-two bonus points if the following additional qualifications are met:

- 1. Resource restoration - five points.
- 2. Bonus surface water quality buffer - three or five points.
- 3. Contiguous parcels under separate ownership - two points.
- 4. Conservation or Historic Preservation Easement in perpetuity - five points.
- 5. Bonus public access points.
 - a. Unlimited public access - five points.
 - b. Limited public access - sensitive area - five points.
 - c. Limited public access - three points.

C. Super bonus system. Property with at least one high priority resource and which allows unlimited public access, or limited public access if due to resource sensitivity, and which conveys a conservation, historic preservation, or trail easement in perpetuity, in a form approved by the county, shall be automatically eligible for current use value at ~~((10%))~~ ten percent of market value.

SECTION 230. Ordinance 12969, section 1, and K.C.C. 20.36.150 are hereby amended to read as follows:

Public benefit rating system report adopted. The requirements and resources dated December 1997,

detailing the public benefit rating system and attached to Ordinance 12969 is hereby approved and adopted and by this reference made a part hereof. A copy of this document may be obtained from the ((resource lands section of the))department of natural resources and parks.

SECTION 231. Ordinance 10870, section 177, and K.C.C. 21A.06.685 are hereby amended to read as follows:

Level of service ("LOS"), traffic. Level of service ("LOS") traffic: a quantitative measure of traffic congestion identified by a declining letter scale (A-F) as calculated by the methodology contained in the 1985 Highway Capacity Manual Special Report 209 or as calculated by another method approved by the department of ((public works))transportation. LOS "A" indicates free flow of traffic with no delays while LOS "F" indicates jammed conditions or extensive delay.

SECTION 232. Ordinance 10870, section 330, as amended, and K.C.C. 21A.08.030 are hereby amended to read as follows:

A. Residential land uses.

KEY		RESOURCE			RESIDENTIAL			COMMERCIAL/ INDUSTRIAL								
P-Permitted Use																
C-Conditional Use		A	F	M	R	U	U	R	N	B	C	B	R	B	O	I
S-Special Use						R										
		G	O	I	U	R	R	E	E	U	O	U	E	U	F	N
	Z	R	R	N	R	B	S	S	I	S	M	S	G	S	F	D
	O	I	E	E	A	A	A	I	G	I	M	I	I	I	I	U
						E										
	N	C	S	R	L	N	N	D	H	N	U	N	O	N	C	S
						R										
	E	U	T	A				E	B	E	N	E	N	E	E	T
						V										
		L		L				N	O	S	I	S	A	S		R
						E										
		T						T	R	S	T	S	L	S		I
		U						I	H							A
		R						A	O							L
		E						L	O							

SIC	SPECIFIC LAND USE	A	F	M	RA	U	R	R12	D	NB	CB	RB	O	I
								1-48						
	DWELLING UNITS, TYPES:													
*	Single detached	P C1	P2		P C	P C13	P C13	P C13						
*	Townhouse				C4	C4	P C12	P	P3	P3	P3	P3		
*	Apartment				C4	C4	P5 C4	P	P3	P3	P3	P3		
*	Mobile home park				S14		C8	P						
	GROUP RESIDENCES:													
*	Community residential facility-I				C	C	C	P	P3	P3	P3	P3		
*	Community residential facility-II							P	P3	P3	P3	P3		
*	Dormitory				C6	C6	C6	P						
*	Senior citizen assisted housing					P4	P4	P	P3	P3	P3	P3		
	ACCESSORY USES:													
*	Residential accessory uses	P7	P7		P7	P7	P7	P7	P7	P7	P7	P7		
*	Home occupation	P	P		P	P	P	P	P	P	P	P		
*	Home industry	C			C	C	C							
	TEMPORARY LODGING:													
7011	Hotel/motel (1)									P	P	P		
*	Bed and breakfast guesthouse	P9 C10			P10	P10	P10	P10	P10	P11	P11			
7041	Organization hotel/lodging house										P			
GENERAL CROSS REFERENCES: Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.020; Development Standards, see K.C.C. 21A.12 through 21A.30; General Provisions, see K.C.C. 21A.32 through 21A.39; Application and Review Procedures, see K.C.C. 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. 21A.06.														

B. Development conditions.

1. Except bed and breakfast guesthouses.

2. In the forest production district, the following conditions apply:

a. Site disturbance associated with development of any new residence shall be limited to three acres.

Site disturbance shall mean all land alterations including, but not limited to, grading, utility installation, landscaping, clearing for crops, on-site sewage disposal systems, and driveways. Additional site disturbance for raising livestock, up to the smaller of thirty-five percent of the lot or seven acres, may be approved provided that a farm management (conservation) plan is prepared pursuant to the requirements of K.C.C. chapter 21A.30. Animal densities shall be based on the area devoted to animal care and not the total area of the lot;

b. A forest management plan shall be required for any new residence in the forest production district, which shall be reviewed and approved by the King County department of natural resources and parks prior to building permit issuance; and

c. A fire protection plan for the subject property is required and shall be reviewed and approved by the Washington state department of natural resources with the concurrence of the fire marshal for each residential use. This plan shall be developed in such a manner as to protect the adjoining forestry uses from a fire that might originate from the residential use. This plan shall provide for setbacks from existing forestry uses and maintenance of approved fire trails or other effective fire line buffers on perimeters with forest land.

3. Only as part of a mixed use development subject to the conditions of K.C.C. chapter 21A.14, except that in the NB zone on properties with a land use designation of commercial outside of center (CO) in the urban areas, stand-alone townhouse developments are permitted subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060 and 21A.14.180.

4. a. Only in a building listed on the National Register as an historic site or designated as a King County landmark subject to the provisions of K.C.C. 21A.32.

b. In the R-1 zone, apartment units are permitted, provided that:

(1) the proposal shall be subject to a conditional use permit when exceeding base density,

(2) at least fifty percent of the site is constrained by unbuildable sensitive areas. For purposes of

this section, unbuildable sensitive areas shall include wetlands, streams and slopes forty percent or steeper and associated buffers; and

(3) the density does not exceed a density of eighteen units per acre of net buildable area as defined in K.C.C. 21A.06.797; or

c. In the R-4 through R-8 zones, apartment units are permitted, provided that the proposal shall be subject to a conditional use permit when exceeding base density, and provided that the density does not exceed a density of eighteen units per acre of net buildable area as defined in K.C.C. 21A.06.797.

5. Apartment units are permitted outright as follows:

a. In the R-1 zone when at least fifty percent of the site is constrained by unbuildable sensitive areas which for purposes of this section, includes wetlands, streams and slopes forty percent or steeper and associated buffers, and provided that the density does not exceed a density of eighteen units per acre of net buildable area as defined in K.C.C. 21A.06.797; or

b. In the R-4 through R-8 zones, provided that the density does not exceed eighteen units per acre of net buildable area as defined in K.C.C. 21A.06.797.

6. Only as an accessory to a school, college, university or church.

7. a. Accessory dwelling units:

(1) only one accessory dwelling per primary single detached dwelling unit;

(2) only in the same building as the primary dwelling unit on an urban lot that is less than ten thousand square feet in area, on a rural lot that is less than the minimum lot size, or on a lot containing more than one primary dwelling;

(3) the primary dwelling unit or the accessory dwelling unit shall be owner occupied;

(4)(a) one of the dwelling units shall not exceed a floor area of one thousand square feet except when one of the dwelling units is wholly contained within a basement or attic, and

(b) when the primary and accessory dwelling units are located in the same building, only one

entrance may be located on each street side of the building;

(5) one additional off-street parking space shall be provided;

(6) the accessory dwelling unit shall be converted to another permitted use or shall be removed if one of the dwelling units ceases to be owner occupied; and

(7) an applicant seeking to build an accessory dwelling unit shall file a notice approved by the department of executive services, ~~((with the))~~records, ~~((and))~~elections and licensing services division, which identifies the dwelling unit as accessory. The notice shall run with the land. The applicant shall submit proof that the notice was filed before the department shall approve any permit for the construction of the accessory dwelling unit. The required contents and form of the notice shall be set forth in administrative rules. If an accessory dwelling unit in a detached building in the Rural zone is subsequently converted to a primary unit on a separate lot, neither the original lot or the new lot may have an additional detached accessory dwelling unit constructed unless the lot is at least twice the minimum lot area required in the zone.

(8) accessory dwelling units and accessory living quarters are not allowed in the F zone.

(9) in the A zone, one accessory dwelling unit is allowed on any lot under twenty acres in size, and two accessory dwelling units are allowed on lots that are twenty acres or more, provided that the accessory dwelling units are occupied only by farm workers and the units are constructed in conformance with the State Building Code.

b. One single or twin engine, noncommercial aircraft shall be permitted only on lots that abut, or have a legal access that is not a county right-of-way, to a waterbody or landing field, provided there is:

(1) no aircraft sales, service, repair, charter or rental; and

(2) no storage of aviation fuel except that contained in the tank or tanks of the aircraft.

c. Buildings for residential accessory uses in the RA and A zone shall not exceed five thousand square feet of gross floor area, except for buildings related to agriculture or forestry.

8. Mobile home parks shall not be permitted in the R-1 zones.

9. Only as an accessory to the permanent residence of the operator, and:

- a. Serving meals to paying guests shall be limited to breakfast; and
- b. There shall be no more than five guests per night.

10. Only as an accessory to the permanent residence of the operator, and:

- a. Serving meals to paying guests shall be limited to breakfast; and
- b. The number of persons accommodated per night shall not exceed five, except that a structure that satisfies the standards of the Uniform Building Code as adopted by King County for R-1 occupancies may accommodate up to ten persons per night.

11. Only if part of a mixed use development, and subject to the conditions of K.C.C. 21A.08.030

B.10.

12. Townhouses are permitted, but shall be subject to a conditional use permit if exceeding base density.

13. Required before approving more than one dwelling on individual lots, except on lots in subdivisions, short subdivisions or binding site plans approved for multiple unit lots, and except as provided for accessory dwelling units in K.C.C. 21A.08.030B.7.

14. No new mobile home parks are allowed in a rural zone.

SECTION 233. Ordinance 10870, section 337, as amended, and K.C.C. 21A.08.100 are hereby

amended to read as follows:

A. Regional land uses.

KEY					RESOURCE			RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
P-Permitted Use															
C-Conditional Use															
S-Special Use															
												</			

8422	Zoo/Wildlife Exhibit (2)		S9		S9	S	S		S	S		
7941	Stadium/Arena									S		S
8221	College/University (1)	P1	P1		P1	P10	CP10	P10	P10	CP	P	P
8222			0		C1	S18	C11	S	C11			
*	Zoo animal breeding facility	P1	P1		P1							
			6									

GENERAL CROSS REFERENCES: Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.08.050; General Provisions, see K.C.C. 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. 21A.06.

B. Development conditions.

1. Except technical institutions. See vocational schools on general services land use table, K.C.C. 21A.08.050.
2. Except arboretum. See K.C.C. 21A.08.040, recreation/cultural land use table.
3. Except weapons armories and outdoor shooting ranges.
4. Except outdoor shooting range.
5. Only in conjunction with an existing or proposed school.
6. a. Limited to no more than three satellite dish antennae.
- b. Limited to one satellite dish antenna.
- c. Limited to tower consolidations.
7. Limited to landing field for aircraft involved in forestry or agricultural practices or for emergency landing sites.
8. Except racing of motorized vehicles.
9. Limited to wildlife exhibit.
10. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.
11. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter 21A.32.
12. Limited to cogeneration facilities for on-site use only.

13. Excluding impoundment of water using a dam.
14. Limited to facilities that comply with the following:
 - a. Any new diversion structure shall not:
 - (1) exceed a height of eight feet as measured from the streambed; or
 - (2) impound more than three surface acres of water at the normal maximum surface level;
 - b. There shall be no active storage;
 - c. The maximum water surface area at any existing dam or diversion shall not be increased;
 - d. An exceedance flow of no greater than fifty percent in mainstream reach shall be maintained;
 - e. Any transmission line shall be limited to a:
 - (1) right-of-way of five miles or less; and
 - (2) capacity of two hundred thirty KV or less;
 - f. Any new, permanent access road shall be limited to five miles or less; and
 - g. The facility shall only be located above any portion of the stream used by anadromous fish.

15. For I-zoned sites located outside the urban growth area designated by the King County Comprehensive Plan, uses shown as a conditional or special use in K.C.C. 21A.08.100A, except for waste water treatment facilities, shall be prohibited. All other uses, including waste water treatment facilities, shall be subject to the provisions for rural industrial uses in K.C.C. chapter 21A.12.

16. The operator of such a facility shall provide verification to the department of natural resources and parks or its successor organization that the facility meets or exceeds the standards of the Animal and Plant Health Inspection Service of the United States Department of Agriculture and the accreditation guidelines of the American Zoo and Aquarium Association.

17. The following provisions of the table apply only to major communication facilities minor communication facilities shall be reviewed in accordance with the processes and standard outlined in K.C.C. chapter 21A.26.

18. Only for facilities related to resource-based research.

19. Limited to work release facilities associated with natural resource-based activities.

20. Limited to projects which do not require or result in an expansion of sewer service outside the urban growth area, unless a finding is made that no cost-effective alternative technologies are feasible, in which case a tightline sewer sized only to meet the needs of the school bus base and serving only the school bus base may be used. Renovation, expansion, modernization or reconstruction of a school bus base is permitted but shall not require or result in an expansion of sewer service outside the urban growth area, unless a finding is made that no cost-effective alternative technologies are feasible, in which case a tightline sewer sized only to meet the needs of the school bus base.

SECTION 234. Ordinance 10870, section 364, as amended, and K.C.C. 21A.14.040 are hereby amended to read as follows:

Lot segregations - clustered development. If residential lot clustering is proposed, the following provisions shall be met:

A. In the R zones, any designated open space tract resulting from lot clustering shall not be altered or disturbed except as specified on recorded documents creating the open space. Open spaces may be retained under ownership by the subdivider, conveyed to residents of the development, or conveyed to a third party. If access to the open space is provided, the access shall be located in a separate tract;

B. In the RA zone:

1. No more than eight lots of less than two and one-half acres shall be allowed in a cluster;
2. No more than eight lots of less than two and one-half acres shall be served by a single cul-de-sac street;
3. Clusters containing two or more lots of less than two and one-half acres, whether in the same or adjacent developments, shall be separated from similar clusters by at least one hundred twenty feet;
4. The overall amount, and the individual degree of clustering shall be limited to a level that can be

adequately served by rural facilities and services, including, but not limited to, on-site sewage disposal systems and rural roadways;

5. A fifty-foot Type II landscaping screen, as defined in K.C.C. 21A.16.040, shall be provided along the frontage of all public roads. The planting materials shall consist of species that are native to the Puget Sound region. Preservation of existing healthy vegetation is encouraged and may be used to augment new plantings to meet the requirements of this section;

6. Except as provided in subsection B.7 of this section, open space tracts created by clustering in the RA zone shall be designated as permanent open space. Acceptable uses within open space tracts are passive recreation, with no development of facilities, and natural-surface pedestrian and equestrian foot trails; and

7. In the RA zone a resource land tract may be created through a cluster development in lieu of an open space tract. The resource land tract may be used as a working forest or farm if the following provisions are met:

a. Appropriateness of the tract for forestry or agriculture has been determined by the King County department of natural resources and parks;

b. The subdivider shall prepare a forest management plan, which must be reviewed and approved by the King County department of natural resources and parks, or a farm management (conservation) plan, if such is required pursuant to K.C.C. 21A.30, which must be developed by the King Conservation District. The criteria for management of a resource land tract established through a cluster development in the RA zone shall be set forth in a Public Rule. The criteria must assure that forestry or farming will remain as a sustainable use of the resource land tract and that structures supportive of forestry and agriculture may be allowed in the resource land tract. The criteria must also set impervious surface limitations and identify the type of buildings or structures that will be allowed within the resource land tract;

c. The recorded plat or short plat shall designate the resource land tract as a working forest or farm;

d. Resource land tracts that are conveyed to residents of the development shall be retained in

undivided interest by the residents of the subdivision or short subdivision;

e. A homeowners association shall be established to assure implementation of the forest management plan or farm management (conservation) plan if the resource land tract is retained in undivided interest by the residents of the subdivision or short subdivision;

f. The subdivider shall file a notice with the King County department of executive services, records, ~~((and))~~ elections and licensing services division. The required contents and form of the notice shall be set forth in a Public Rule. The notice shall inform the property owner or owners that the resource land tract is designated as a working forest or farm, which must be managed in accordance with the provisions established in the approved forest management plan or farm management (conservation) plan;

g. The subdivider shall provide to the department proof of the approval of the forest management plan or farm management (conservation) plan and the filing of the notice required in subsection B.7.f of this section before recording of the final plat or short plat; and

h. The notice shall run with the land; and

C. In the R-1 zone, open space tracts created by clustering required by K.C.C. 21A.12.030 shall be located and configured to create urban separators and greenbelts as required by the Comprehensive Plan, or subarea plans or open space functional plans, to connect and increase protective buffers for environmentally sensitive areas as defined in K.C.C. 21A.06.1065, to connect and protect wildlife habitat corridors designated by the Comprehensive Plan and to connect existing or planned public parks or trails. King County may require open space tracts created under this subsection to be dedicated to an appropriate managing public agency or qualifying private entity such as a nature conservancy. In the absence of such a requirement, open space tracts shall be retained in undivided interest by the residents of the subdivision or short subdivision. A homeowners association shall be established for maintenance of the open space tract.

SECTION 235. Ordinance 11168, section 3, and K.C.C. 21A.30.045 are hereby amended to read as follows:

Animal regulations - Livestock - Farm management plans.

A. To achieve the maximum density allowances using a farm management (conservation) plan, the plan must be developed according to the following criteria:

1. The plan must be developed by the King Conservation District, unless the ~~((Livestock Oversight Committee))~~King County Agriculture Commission certifies other qualified persons or companies to prepare such plans.
2. The plan shall require site-specific management measures for minimizing non-point pollution from agricultural activities including but not limited to:
 - a. livestock watering, wetland and stream corridor management;
 - b. grazing and pasture management;
 - c. confinement area management
 - d. manure management
3. The plan shall be implemented within a timeframe established in the plan and maintained such that non-point pollution attributable to livestock-keeping is minimized.
4. A monitoring plan shall be developed as part of the farm management plan, and implemented to demonstrate no significant impact to water quality and salmonid fisheries habitat. Monitoring data shall be available to the ~~((Livestock Oversight Committee))~~King County Agriculture Commission.

B. Farm management plans (FMPs) shall, at a minimum:

1. Generally seek to achieve a ~~((25))~~ twenty-five-foot buffer of diverse, mature vegetation between grazing areas and the ordinary high water mark of all class 1 and 2 streams and any naturally occurring pond and the wetland edge of any class 1 or 2 wetland on the site, using buffer averaging where necessary to accommodate existing structures. No buffer for class 1 or 2 streams shall be less than 10 feet. The plan must include best management practices which avoid having manure accumulate in or within 10 feet of class 3 streams; provided that forested lands being cleared for grazing areas shall comply with the sensitive areas

ordinance setbacks for class 1, 2 and 3 streams and class 1 and 2 wetlands.

2. Assure that drainage ditches on the site do not channel animal waste to such streams and wetlands.

3. Achieve an additional ~~((20))~~ twenty-foot buffer downslope of any confinement areas within ~~((200))~~ two hundred feet of class 1 and 2 streams. This requirement may be waived for existing confinement areas on lots of ~~((2.5))~~ two and one-half acres or less in size if:

a. A minimum buffer of 25 feet of diverse, mature vegetation is achieved;

b. Manure within the confinement area is removed daily during the winter season (October 15 to April 15), and stored ~~((per))~~ in accordance with K.C.C. 21A.30.060D;

c. Additional BMPs, as recommended by the KCD, are implemented and maintained.

4. Include a schedule for implementation.

C. A copy of the final plans shall be provided to the clerk of the council within 60 days of completion.

D. The completed plan may be appealed to the zoning and subdivision examiner pursuant to the provisions of K.C.C. 20.24.080. The appeal must be filed within 30 days of being received by the clerk. Appeals may be filed only by the property owner or four members of the ~~((Livestock Oversight Committee))~~ King County Agriculture Commission. Any plan not appealed shall constitute prima facie evidence of compliance with the regulatory provisions of K.C.C. 9.12.035.

SECTION 236. Ordinance 11168, sections 6 - 8, and K.C.C. 21A.30.064 are hereby amended to read as follows:

Animal regulations - Livestock - Livestock~~((-oversight committee))~~ regulation implementation and monitoring.

A. ~~((Within 90 days of adoption of this ordinance, King County shall establish a Livestock Oversight Committee comprised of representatives from county, state and federal agencies with expertise in the area of water quality and habitat impact of livestock, affected tribes, commercial and hobby farms, consumers and the environmental community. The Livestock Oversight Committee shall have a maximum of eleven members))~~In

order to evaluate the effectiveness of county livestock regulations, the King County Agriculture Commission shall appoint an Agriculture Commission Livestock Committee to evaluate emerging livestock husbandry issues to recommend appropriate policies, regulations and support programs.

B. ~~The ((Livestock Oversight Committee))~~King County Agriculture Commission shall:

1. ~~((Oversee funding mechanisms and recommend to the county council funding schedules for programs that implement and e))~~Evaluate the effectiveness of farm management plans and management standards, including but not limited to the need for implementation assistance funding, education and monitoring, as provided for in this section;

~~((2. Monitor and review farm management plans, by watershed basin, for consistency with the objectives of this chapter;))~~

~~((3))~~2. ((Provide guidance regarding changes required))Review the recommendations of the Livestock Committee and the Livestock Interdisciplinary Team when formulating proposals to ensure that goals of this legislation are being met;

~~((4. Review the efficacy of performance standards and management measures, and determine how and where they could best be applied in King County; and))~~

~~((5))~~3. Provide a link between government experts and the livestock owners who must implement this legislation((:);

~~((6))~~4. Certify the use of experts to prepare farm management plans, if a property owner chooses not to work with the King Conservation District((:); and

~~((7. Reommend to the District the use of additional expertise such as fisheries biologists in the development of farm management plans.))~~

5. Provide recommendations and guidance as necessary to the King County Agriculture Commission on livestock issues in regards to duties assigned to the Agriculture Commission.

C. ~~((The Livestock Oversight Committee shall be provided professional staff and experts in the field to~~

~~ensure that the best information is available to King County council as the elements of the livestock density legislation are implemented, and shall be staffed by the cooperative extension office.))~~The Livestock Committee may make recommendations to the King County Agriculture Commission regarding the need for additional funding mechanisms to support implementation of livestock management practices, and livestock waste management solutions.

~~((D. The Livestock Oversight Committee shall, within 180 days of adoption of Ordinance 11168, make recommendations to the metropolitan King County council as to the need for additional funding mechanisms to support the work of the committee, implementation of livestock management techniques, and livestock waste management solutions.))~~

~~((E))~~D. King County shall utilize as high a percentage of any funds available as possible to provide cost-sharing assistance to farmers in implementation of farm management plans (per K.C.C. 21A.30.050). ~~((The amount to be used for implementation shall be determined by the Livestock Oversight Committee and approved by the metropolitan King County council.))~~Assistance to farmers should be allocated to encourage early implementation, by providing greater support to farmers who participate in the first years of the program, and less support in the out years. If follow-up monitoring or a complaint indicates that enforcement procedures are required, and it is determined that farm management plans have not been implemented, funding will be withdrawn and repayment required.

~~((F))~~E. Monitoring is a critical element in the evaluation of the effectiveness of farm management practices in minimizing non-point pollution in streams and wetlands. ~~((Within 180 days of adoption of Ordinance 11168, the Livestock Oversight Committee))~~As such, the department of natural resources and parks shall develop and implement a management practice monitoring strategy((, with the assistance of the King Conservation District, Soil Conservation Service, the metropolitan services department/water quality division, the surface water management division and affected tribes)) to identify emerging trends and implementation issues.

~~((G))~~F. King County shall utilize a percentage of any funds raised by one of the mechanisms developed pursuant to this section to monitor farm management plans and management standards, to provide information regarding the efficacy of the management measures being implemented. This information shall be used to demonstrate the value of such plans to other farmers, and shall be reported to the ~~((Livestock Oversight Committee))~~King County Agriculture Commission, for use in development of improved standards for the livestock density legislation.

~~((H. Both the Livestock Oversight Committee and the conservation district shall be subject to audit to determine where performance efficiencies and improvements can be achieved.))~~

SECTION 237. Ordinance 11168, section 14, and K.C.C. 21A.30.075 are hereby amended to read as follows:

Livestock interdisciplinary team((s)). In order to ensure that livestock standards and management plans are customized as much as possible to the stream conditions in each of the various streams, the ~~((county executive))~~King County Agriculture Commission will, in cooperation with the Washington State Department of Fisheries and the Muckleshoot Indian Tribe, the Snoqualmie Indian Tribe, and other affected Indian tribes, establish a livestock interdisciplinary team((s)) consisting of 3 members~~((each))~~, with expertise in fisheries, water quality and animal husbandry, to make specific recommendations to the Conservation District and livestock owners adjacent to the streams with regard to buffer needs throughout the parts of each stream which have livestock operations adjoining such streams. The team((s)) shall take into account the recommendations of the adopted Basin Plans~~((;))~~ and WRIA recommendations, and shall work with the ~~((stream steward for the stream being evaluated))~~department of natural resources and parks to develop the recommendations. The ~~((recommendations))~~findings of the interdisciplinary team shall be reported to the ~~((Livestock Oversight Committee))~~King County Agriculture Commission, which shall assist in the dissemination of the recommendations to owners in the basin. ~~((These teams))~~The team shall work initially on those stream systems in which specific problems have been identified and are believed to be livestock related~~((: Newaukum~~

Creek, Soos Creek, the Upper Green River and Bear Creek)).

SECTION 238. Ordinance 10870, section 583, as amended, and K.C.C. 21A.39.020 are hereby amended to read as follows:

UPD permit - Application/review process. A. King County shall accept an application for an UPD permit only in areas designated urban by the comprehensive plan and contained within the boundaries of UPD Special District Overlays designated by a community plan or comprehensive plan, provided that density transfer from adjacent rural lands is allowed as provided for in K.C.C. ((C))chapter 21A.36.

B. A UPD permit application, or modifications of an approved UPD permit which requires council review, shall be reviewed pursuant to the hearing examiner process outlined in K.C.C. 21A.42, provided that:

1. The review of the UPD permit application shall not be completed until applicable sewer and/or water comprehensive utility plans or plan amendments are identified; and
2. A UPD permit may be processed concurrently with any application for a subsequent development approval implementing the UPD permit.

C. A processing memorandum of understanding (MOU) shall be adopted containing any of the following elements:

1. Schedule for processing including timelines for EIS, drainage master plan, UPD permit hearings, plats or other permits or approvals;
2. Budget for permit processing and review;
3. Establishment of a core UPD review team with one representative from each county department having a principal UPD permit review role. The department responsible for coordinating review of the UPD shall enter into memorandums of understanding with other county departments specifying special tasks and timetables consistent with the schedule for performance by each department and/or independent consulting;
4. Retention of a third-party facilitator at the applicant's cost to assist the county's review;
5. Establishment of baseline monitoring requirements and design parameters which are to apply under

existing law during the UPD application and review process;

6. Final scope for EIS, which shall be adjusted for adopted county substantive environmental or mitigation requirements which will apply to the UPD permit such as the sensitive area ordinance, the SWM Manual, road and school adequacy standards, impact fee or mitigation programs or other adopted standards.

D. The processing MOU shall be completed initially within 90 days after the request by a UPD permit applicant, unless the county and applicant agree to a different time. If the county and applicant have not reached agreement within 90 days, then either may request final resolution of the processing MOU by a committee consisting of the directors of the departments of ~~((public works))~~ transportation, development and environmental services, and natural resources and parks ~~((planning and resources))~~;

E. UPD Application Form. The county shall prepare an application form consistent with the information required under K.C.C. 21A.39.030, which shall take into account that detailed information which may not be available at the time of the application will be developed through the environmental impact statement and review process.

SECTION 239. Ordinance 13275, section 1, and K.C.C. 21A.55.050 are hereby amended to read as follows:

Demonstration project overlay - rural forest demonstration project. A. The purpose of the rural forest demonstration project is to test techniques to maintain long-term forest uses in areas with a predominant parcel size of significantly less than eighty acres which are located in proximity to residential development. The demonstration project will also provide information and data to assist in the development of King County Comprehensive Plan policies to guide application and refinement of forest protection regulations.

B. Rural Forest demonstration project - designation of project area. The rural forest demonstration project will be implemented on the five hundred ten acre site located east of the Rattlesnake Mountain Scenic Area, as shown in attachment A of Ordinance 13275.

C. Scope of demonstration project - The rural forest demonstration project shall include:

1. Preparation of a forest management plan for the entire demonstration project site. The forest management plan shall be developed jointly by the department of natural resources and parks and the property owner with input from the Washington state Department of Natural Resources, local tribes and citizens, and shall be approved by the director of the department of natural resources and parks. The forest management plan shall include:

- a. an inventory of existing conditions - current tree species and respective size ranges, understory composition, sensitive areas, natural and human induced disturbance regimes and history of ecosystem changes.
- b. objectives for forest management including water quality protection, habitat enhancement, maintenance of scenic areas, surface water management and minimal impacts to neighbors.
- c. a reforestation element consistent with these management objectives including establishment of stream buffers of one hundred eighty-three feet for Class II streams with salmonids and one hundred feet for Class III streams.
- d. an operation and maintenance element including anticipated harvest activities.

2. Creation of a dedicated fund of the Uplands Snoqualmie Valley Homeowners Association the proceeds of which may be expended solely to implement and monitor the forest management plan. The net proceeds of any harvest of forest products from the common tracts of the Uplands Snoqualmie Valley shall be deposited in such fund to the extent necessary to bring the aggregate amount of money in such fund to an amount reasonably anticipated to be needed to pay the cost of implementing and monitoring the forest management plan for the current and next two calendar years.

3. Creation of a Stewardship Committee of the Uplands Snoqualmie Valley Homeowners Association to implement the forest management plan. The Stewardship Committee shall, in consultation with King County and Washington state Department of Natural Resources: ensure sufficient funding is available for implementation of the forest management plan, hire a qualified forester~~((s))~~ or foresters to implement the forest management plan and hire qualified staff to monitor implementation of the forest management plan and

prepare required reports. King County and the Washington state Department of Natural Resources shall annually inspect the property for compliance with the forest management plan consistent with the terms of the conservation easement and King County shall offer training to the members of the Stewardship Committee on forestry techniques and issues.

4. Application and review of a formal subdivision of forty-one lots, exclusive of common tracts, on the five_hundred_ten_acre site. The subdivision and infrastructure shall be designed to integrate with the forest landscape, including pavement widths no wider than needed to meet safety considerations. A goal of the demonstration project is to test the marketability of these forest lots in a timely manner; to that end, it is a goal of King County to render a decision on the subdivision application within six months of submittal of the application. A priority review process shall be implemented as permitted by K.C.C. 21A.55.010. The department of development and environmental services shall assign a permit coordinator and a project review team to complete review of all aspects of the application, and shall negotiate appropriate fees for the review process with the applicant. Neither the designation of the site as a demonstration project nor approval of the forest management plan constitute approval of the subdivision application or in any way limit King County discretion in SEPA review or application of regulations to the subdivision application.

5. Dedication or conveyance, upon final plat approval, to King County or a qualified nonprofit conservation organization of a conservation easement in perpetuity upon the demonstration project site that prohibits any future subdivision activity; prohibits all development of the site other than residential development of no more than forty-one lots; restricts such residential development and associated lawn, landscaped areas, driveways and fenced areas to an area not to exceed two acres within each lot; restricts the uses of the remaining nonresidential portion of the site to open space and forest practices and incidental uses necessary for the residential use on the forty-one lots such as for roads, access drives (not including on-site driveways) utilities and storm detention; provides for the dedicated fund as described in K.C.C. 21A.55.050C.2; requires the owner to exercise its reasonable best efforts to implement the forest management plan and provides

for enforcement of the terms of the conservation easement first through nonbinding mediation. Adoption of this demonstration project shall be subject to council review of the conservation easement, a copy of which shall be provided to the council by August 20, 1998.

6. An inventory of properties within King County with similar characteristics to the rural forest demonstration project site and an analysis of the potential effects of development of those properties under the same requirements as the demonstration project.

D. Scope of authority to modify or waive standards. Application to modify or waive development standards of K.C.C. Title 21A for this individual development proposal shall be administratively approved by the director of the department of development and environmental services and shall be consistent with an approved forest management plan developed for the entire five hundred ten acre site.

E. The application to modify or waive development standards for this development proposal shall be evaluated on the merits of the specific proposal. Approval or denial of a proposed modification or waiver shall not be construed as precedent setting for elsewhere in the county.

F. Modification or waivers approved pursuant to the rural forest demonstration project shall be in addition to those modifications or waivers which are currently allowed by K.C.C. Title 21A. The range of proposed modifications to development regulations that may be considered pursuant to the rural forest demonstration project shall only include the following zoning code regulations:

1. Development Standards - Landscaping and Water Use, K.C.C. chapter 21A.16, limited to the following subsections:

- a. landscaping - street frontages, K.C.C. 21A.16.050;
- b. landscaping - interior lot lines, K.C.C. 21A.16.060; and
- c. landscaping - additional standards for required landscape areas, K.C.C. 21A.16.090.

2. Development Standards - Parking and Circulation, K.C.C. chapter 21A.18, limited to the following subsections:

- a. pedestrian and bicycle circulation and access, K.C.C. 21A.18.100; and
- b. off-street parking plan design standards, K.C.C. 21A.18.110.

G. Modification or waiver review process

1. Requests for modifications or waivers may only be submitted in relation to a formal subdivision proposal.
2. Requests shall be:
 - a. submitted to the department of development and environmental services prior to or in conjunction with the subdivision application for preliminary approval of a formal subdivision on the project site; and
 - b. in writing, along with any supporting documentation. The supporting documentation must illustrate how the proposed modification meets the criteria of K.C.C. 21A.55.050H.
3. Notice of application, review and approval of proposed modifications or waivers submitted in conjunction with a formal subdivision application shall be treated as a Type 2 land use decision. In approving a proposed modification or waiver, the director must conclude that the criteria for approval set forth in K.C.C. 21A.55.050H have been met.
4. A preapplication meeting to determine the need for, and the likely scope of, a proposed modification(s) or waiver(s) shall be required prior to submittal of a modification request,
5. Administrative appeals of director approved modifications or waivers shall be combined with consideration of the underlying application for preliminary subdivision approval.

H. Rural forest demonstration project criteria for modification or waiver approval. The application must demonstrate how the proposed project, with modifications or waivers to the code, will be consistent with and implement the approved forest management plan. This shall be demonstrated by documenting that the development with modifications or waivers:

1. Enhances the preservation of forestry for resource value, open space, scenic views and wildlife habitat;

2. Reduces impacts on the natural environment or restores natural functions; and
3. Supports the integration of forest uses and homesites.

I. Rural forest demonstration project - effective period. The forest management plan shall be developed and a decision on its approval or denial shall be reached no more than thirty days after designation of the site as a rural forest demonstration project. If the forest management plan is not approved thirty days after designation as a rural forest demonstration project, the executive shall propose restoring the site to its prior land use designations and zoning classifications as part of the 1999 amendments to the King County Comprehensive Plan. Regulatory modification or waiver applications authorized by this ordinance shall not be accepted by the department of development and environmental services after March 1, 1999. Modifications or waivers to the King County Code contained within an approved development proposal shall be valid as long as the underlying permit. The rural forest demonstration project shall continue for a period of five years from the final approval of the subdivision application, with reporting periods specific to measuring the goals of the forest management plan.

J. Rural forest demonstration project - reports. The director of the department of natural resources and parks shall submit a report to the council following approval of the forest management plan evaluating the process used to prepare the forest management plan, an inventory of other properties which have similar characteristics to the demonstration project site, the applicability and potential effects of allowing these other properties to develop under the same requirements as the demonstration project and recommending any changes that should be made to county policy or regulations to maintain long term forestry in areas no longer managed for large-scale commercial forestry. In addition, a report shall be prepared annually by qualified staff retained by the Stewardship Committee of the Uplands Snoqualmie Valley Homeowners Association or subsequent management entity of the forest management plan and submitted to the Rural Forest Commission. The annual reporting shall commence six months following final approval of the subdivision. The first two annual reports shall describe the annual work program and budget for implementation of the forest management

plan, progress made in implementing the work program, and success in marketing the homesites. Annual reports for the subsequent three years shall document the annual budget and continued progress in implementing the forest management plan, the level of involvement by homeowners in forest management and any problems in implementation generated by homeowners. The Rural Forest Commission shall review the annual reports and shall inform the director of the department of natural resources and parks if it has found that necessary implementation measures of the forest management plan have not been followed. If so, and if the director of the department of natural resources and parks determines it is necessary, the director shall request the Stewardship Committee of the Uplands Snoqualmie Valley Homeowners Association to take corrective action. If satisfactory action is not taken, the director may invoke the enforcement mechanism of the conservation easement. The annual reports will also provide information for further consideration of changes to county policies or regulations for maintenance of long-term forestry.

SECTION 240. Ordinance 13274, section 4, as amended, and K.C.C. 21A.55.130 are hereby amended to read as follows:

Transfer of development credit (TDC) pilot program - sending sites. A. For the purpose of this chapter, "sending site" means the portion of the parcel or parcels qualified under subsection B of this section. Sending sites shall be maintained in a natural state, except for lands zoned A or F, or lands zoned RA within the rural forest focus areas, proposed public park or trail sites suitable for active or passive recreation or historic sites. Nonresidential uses consistent with the zone may be allowed following the transfer of residential development credits if allowed under the conservation easement.

B. Qualification of a sending site shall demonstrate that the site contains a public benefit such that preservation of that benefit by transferring residential development density to another site is in the public interest.

1. Designation in the King County Comprehensive Plan or a functional plan as an agricultural or forest production district or zoned A or F or lands zoned RA within the rural farm or forest focus area that is not

encumbered through King County's development rights purchase program; or

2. Designation in the King County Comprehensive Plan, or a functional plan as a proposed park site, through either:

a. designation of a specific site; or

b. identification of geographic areas of proposed park sites which meet adopted standards and criteria; or

3.a. A written determination by a public land managing agency, including but not limited to the King County department of natural resources and parks~~((and recreation, King County department of natural resources))~~, King County office of cultural resources, a city parks department if a sending site is located within that city's designated potential annexation area, the Washington state Parks and Recreation Commission or a private land conservation organization such as The Nature Conservancy, that the sending site is appropriate for preservation or acquisition as:

(1) open space,

(2) wildlife habitat for federal or state listed endangered or threatened species, priority or candidate priority species of local importance; or species of local significance as defined by the King County Comprehensive Plan; or wildlife networks designated by King County, or Priority Habitats as defined by the state,

(3) urban separators,

(4) regional trail/natural linkages, or

(5) historic landmarks.

b. The agency making the written determination of qualification shall state that the sending site is appropriate for preservation or acquisition under that agency's rules, regulations or guidelines and shall state that the proposed form of permanent protection is acceptable to the agency responsible for managing the sending site once encumbered (i.e. encumbrance with a conservation easement or fee simple ownership).

Following the encumbrance or dedication of the sending site, the remaining land value may be acquired or accepted by the managing agency.

C. For the purposes of the TDC pilot program, "acquisition" means obtaining fee simple rights in real property, or a less than a fee simple right in a form that preserves in perpetuity the public benefit supporting the designation or qualification of the property as a sending site.

SECTION 241. Ordinance 13274, section 7, and K.C.C. 21A.55.160 are hereby amended to read as follows:

Transfer of development credit (TDC) pilot program - sending site certification and interagency review committee process.

A. An Interagency Review Committee consisting of the directors of the department of development and environmental services~~((s))~~ and the department of natural resources and ~~((the department of))~~ parks~~((and recreation))~~, or their designees, shall be responsible for qualification of sending sites and allocation of residential development credits from sending sites for purposes of transfer and determination of the appropriate agency to hold and enforce the conservation easement. Additional members of the committee to be appointed by the Interagency Review Committee may also include representatives of agencies with jurisdiction in the review of a specific sending site application. Determinations on sending site certifications made by the committee are appealable to the examiner pursuant to K.C.C. 20.24.080. The Committee shall issue a certification letter within three weeks of the date of submittal of a completed sending site certification application.

B. Application for sending site certification shall include:

1. A legal description of the site,
2. A title report,
3. A description of the site resources and public benefit to be preserved,
4. A map of the proposed conservation easement area,

5. Existing dwelling units, submerged lands, regional utility corridors, and unbuildable sensitive areas as defined in K.C.C. 21A.55.150,

6. A completed density calculation worksheet for estimating the number of available development credits, and

7. The application fee consistent with K.C.C. 27.36.020.

SECTION 242. Ordinance 13733, section 10, and K.C.C. 21A.55.210 are hereby amended to read as follows:

Transfer of development credit (TDC) pilot program - TDC bank expenditure and purchase authorization. A. The TDC bank may purchase development credits from qualified sending sites at prices not to exceed fair market value and to sell development at prices not less than fair market value. The TDC bank may accept donations of development credits from qualified TDC sending sites.

B. The TDC bank may use funds to facilitate development credit transfers. These expenditures may include, but are not limited to, establishing and maintaining internet web pages, marketing TDC receiving sites, procuring title reports and appraisals and reimbursing the costs incurred by the department of natural resources and parks, water and land resources ~~((lands and open space section))~~ division, or its successor, for administering the TDC bank fund and executing development credit purchases and sales.

C. The TDC bank fund shall not be used to cover the cost of identifying and qualifying sending and receiving sites, or the costs of providing staff support for the TDC interagency review committee or the office of regional policy and planning.

SECTION 243. Ordinance 13733, section 11, and K.C.C. 21A.55.220 are hereby amended to read as follows:

Transfer of development credit (TDC) pilot program - administration of TDC bank. A. The department of natural resources and parks, water and land resources ~~((lands and open space section))~~ division, or its successor, shall administer the TDC bank fund and execute purchases and sales of development credits in

a timely manner consistent with policy set by the TDC executive board. These responsibilities include, but are not limited to:

1. Managing the TDC bank fund;
2. Authorizing and monitoring expenditures;
3. Keeping records of the dates, amounts and locations of development credit purchases and sales;
4. Executing development credit purchases, sales and conservation easements; and
5. Providing periodic summary reports of TDC bank activity for TDC executive board consideration.

B. The department of natural resources and parks, water and land resources ~~((lands and open space section))~~division, or its successor, in executing purchase and sale agreements for acquisition of development credits shall ensure sufficient values are being obtained and that all transactions, conservation easements or fee simple acquisitions are consistent with public land acquisition guidelines.

SECTION 244. Ordinance 13733, section 12, and K.C.C. 21A.55.230 are hereby amended to read as follows:

Transfer of development credit (TDC) pilot program - sale of TDC credits by TDC bank. A. The sale of development credits by the TDC bank shall be at a price that equals or exceeds the fair market value of the credits. The fair market value of the credits shall be established by the department of natural resources and parks and shall be based on the amount the county paid for the development credits and the prevailing market conditions.

B. When selling development credits, the TDC bank may select prospective purchasers based on the price offered for the credits, the number of credits offered to be purchased, and the potential for the sale to achieve the purposes of the TDC program.

C. The TDC bank may sell development credits only in whole or half increments to incorporated receiving sites through an interlocal agreement. The TDC bank may sell development credits only in whole increments to unincorporated King County receiving sites.

D. All offers to purchase development credits from the TDC bank shall be in writing, shall include a certification that the credits, if used, shall be used only inside an identified city or within the urban unincorporated area, include a minimum ten-percent down payment with purchase option, shall include the number of credits to be purchased, proposed purchase price and the required date or dates for completion of the sale, not later than one hundred twenty calendar days after the date of receipt by King County of the purchase offer.

E. Payment for purchase of development credits from the TDC bank shall be in full at the time the development credits are transferred unless otherwise authorized by the department of natural resources and parks.

SECTION 245. Ordinance 13733, section 15, and K.C.C. 21A.55.260 are hereby amended to read as follows:

Transfer of development credit (TDC) pilot program - TDC executive board -- establishment -- membership -- duties. A. The TDC executive board is hereby established. The TDC executive board shall be composed of the director of the budget office, the director of the department of natural resources and parks, the director of the department of transportation, ~~((the director of the department of parks and recreation))~~ and the director of the office of regional policy and planning, or their designees. A representative from the King County council staff, designated by the council chair, may participate as an ex officio, nonvoting member of the TDC executive board. The TDC executive board shall be chaired by the director of the office of regional policy and planning or that director's designee.

B. The issues that may be addressed by the executive board include, but are not limited to, using site evaluation criteria established by administrative rules, ranking and selecting sending sites to be purchased by the TDC bank, recommending interlocal agreements and the provision of TDC amenities, if any, to be forwarded to the executive, identifying future funding for amenities in the annual budget process, enter into other written agreements necessary to facilitate density transfers by the TDC bank and otherwise oversee the

operation of the TDC bank to measure the effectiveness in achieving the policy goals of the TDC pilot program established in Ordinance 13274.

C. The office of regional policy and planning shall provide lead staff support to the TDC executive board. Staff duties include, but are not limited to:

1. Making recommendations to the TDC executive board on TDC program and TDC bank issues on which the TDC executive board must take action;
 2. Facilitating development credit transfers through marketing and outreach to the public, community organizations, developers and cities;
 3. Identifying potential receiving sites;
 4. Developing proposed interlocal agreements with cities;
 5. Assisting in the implementation of TDC executive board policy in cooperation with other departments;
 6. Ranking certified sending sites for consideration by the TDC executive board;
 7. Negotiating with cities to establish city receiving areas with the provision of amenities;
 8. Preparing agendas for TDC executive board meetings;
 9. Recording TDC executive board meeting summaries;
 10. Preparing administrative rules in accordance with K.C.C. chapter 2.98 to implement this chapter;
- and
11. Preparing annual reports on the progress of the TDC program to the council with assistance from other departments.

SECTION 246. Ordinance 13263, section 3, and K.C.C. 23.02.010 are hereby amended to read as follows:

Definitions. The words and phrases designated in this section shall be defined for the purposes of this title as follows:

A. Abate. "Abate" means to take whatever steps are deemed necessary by the director to return a property to the condition in which it existed before a civil code violation occurred or to assure that the property complies with applicable code requirements. Abatement may include, but is not limited to, rehabilitation, demolition, removal, replacement or repair.

B. Civil code violation. "Civil code violation" means and includes an act or omission contrary to:

1. Any ordinance, resolution, regulation or public rule of the county that regulates or protects the public health or the use and development of land or water, whether or not such ordinance, resolution or regulation is codified; and/or

2. The conditions of any permit, notice and order or stop work order issued pursuant to any such ordinance, resolution, regulation or public rule.

C. Director. "Director" means, depending on the code violated:

1. The director of the department of development and environmental services;
2. The director of the Seattle-King County department of public health (the "local health officer" as that term is used in chapter 70.05 RCW);
3. The director of the department of natural resources and parks;
4. The director of any other county department authorized to enforce civil code compliance;
5. Authorized representatives of a director, including but not limited to, the compliance officers and inspectors whose responsibility includes the detection and reporting of civil code violations; and/or
6. Such other person as the council shall by ordinance authorize to utilize the provisions of this title.

D. Hearing examiner. "Hearing examiner" means the King County hearing examiner, as provided in K.C.C. chapter 20.24.

E. Mitigate. "Mitigate" means to take measures, subject to county approval, to minimize the harmful effects of the violation where remediation is either impossible or unreasonably burdensome.

F. Permit. "Permit" means any form of certificate, approval, registration, license or any other written

permission issued by King County. All conditions of approval, and all easements and use limitations shown on the face of a approved final plat map which are intended to serve or protect the general public are deemed conditions applicable to all subsequent plat property owners and their tenants and agents as permit requirements enforceable under this title.

G. Person. "Person" means any individual, association, partnership, corporation or legal entity, public or private, and the agents and assigns of such individual, association, partnership, corporation or legal entity.

H. Person responsible for code compliance. "Person responsible for code compliance" means the person who caused the violation, if that can be determined, and/or the owner, lessor, tenant or other person entitled to control, use and/or occupy property where a civil code violation occurs.

I. Remediate. "Remediate" means to restore a site to a condition that complies with sensitive area or other regulatory requirements as they existed when the violation occurred; or, for sites that have been degraded under prior ownerships, restore to a condition which does not pose a probable threat to the environment or to the public health, safety or welfare.

J. Resolution. "Resolution" for purposes of this title means any law enacted by resolution of the board of county commissioners prior to the establishment of the charter, or any health rule adopted by resolution of the board of health.

K. Public rule. "Public rule" means any rule properly promulgated to implement code provisions.

SECTION 247. Ordinance 13263, section 13, and K.C.C. 23.02.120 are hereby amended to read as follows:

Training and rulemaking. A. In order to ensure strict conformity with the constraints on entry imposed by state and federal law and to assure that county employees deal with the public in a manner which respects the rights of private property owners, the directors of the department of development and environmental services, natural resources and parks and other departments, as needed, shall develop and adopt internal procedures, protocols and training programs governing the conduct of searches by code compliance

officers which shall be issued within nine months of the adoption of Ordinance 13263.

B. Each department operating under this chapter shall adopt procedures to implement the provisions of Ordinance 13263, and specifically the guidelines set out in this chapter describing reasonable and appropriate protocols for investigating code violations.

SECTION 248. Ordinance 13659, section 2, and K.C.C. 27.02.085 are hereby amended to read as follows:

Drainage defect and maintenance financial guarantee program fees. A minimum of one hour's fee shall be charged by the departments of natural resources and parks and transportation for any financial guarantee work performed by those departments related to storm water drainage and roadway improvements. The fee shall be less than or equal to the department of development and environmental service's current hourly rate.

SECTION 249. Ordinance 12020, section 13, and K.C.C. 27A.30.020 are hereby amended to read as follows:

Financial guarantees-form and amount. Financial guarantees shall be in a form approved by the director, in consultation with the department of ~~((public works))~~ natural resources and parks, department of transportation, the prosecuting attorney's office, and other affected agencies. The amounts of the financial guarantees shall be based on the schedules appropriate to the required work which are updated on a periodic and frequent basis to ensure that the amount fully captures likely costs. Financial guarantees shall also require a contingency in an amount to be determined by the director.

SECTION 250. Ordinance 12020, section 16, and K.C.C. 27A.30.050 are hereby amended to read as follows:

Scheduling of final performance, maintenance, and defect inspections. The department shall be responsible for scheduling final performance, and maintenance and defects inspections. The department should schedule such inspections approximately forty-five days prior to expiration of the performance or maintenance

period. If necessary to determine completion of performance, additional inspections should also be made after the expiration of the performance period. Periodic inspections may also be made at the discretion of the director of the department of development and environmental services, ~~((or))~~the director of the department of ~~((public works))~~natural resources and parks or the director of the department of transportation.

SECTION 251. Ordinance 11034, section 3 (part), as amended, and K.C.C. 28.82.210 are hereby amended to read as follows:

Department. Department shall mean the department of natural resources and parks.

SECTION 252. Ordinance 11034, section 3 (part), as amended, and K.C.C. 28.82.220 are hereby amended to read as follows:

Director. Director shall mean the director of the department of natural resources and parks of King County or a duly authorized designee.

SECTION 253. Ordinance 13680, section 16, and K.C.C. 28.86.160 are hereby amended to read as follows:

Financial policies (FP). A. Under the provisions of the King County Charter and RCW 35.58.200, these financial policies are hereby adopted and declared to be the principal financial policies of the comprehensive water pollution abatement plan for King County, adopted by the Municipality of Metropolitan Seattle (Metro) in Resolution No. 23, as amended, and the RWSP, a supplement to the plan.

B. Explanatory material.

1. Financial forecast and budget. Policies FP-1 through FP-7 are intended to guide the county in the areas of prudent financial forecasting and budget planning and are included to ensure the financial security and bonding capacity for the wastewater system. This set of policies also addresses the county's legal and contractual commitments regarding the use of sewer revenues to pay for sewer expenses.

2. Debt financing and borrowing. Policies FP-8 through FP-11 are intended to guide the county in financing the wastewater system capital program. These policies direct that capital costs be spread over time to

keep rates more stable for ratepayers by the county issuing bonds. A smaller share of annual capital costs will be funded directly from sewer revenues and capacity charges.

3. Collecting revenue. Policies FP-12 through FP-14 are intended to guide King County in establishing annual sewer rates and approving wastewater system capital improvement and operating budgets. Monthly sewer rates, which are the primary source of revenue for the county's regional wastewater system, are to be uniformly assessed on all customers. Customers with new connections to the wastewater system will pay an additional capacity charge. The amount of that charge is set by the council, within the constraints of state law.

4. Community treatment systems. Policy FP-15 is intended to guide the county in the financial management of community treatment systems.

C. Policies.

1. Financial forecast and budget.

FP-1: The county shall maintain for the wastewater system a multiyear financial forecast and cash-flow projection of six years or more, estimating service growth, operating expenses, capital needs, reserves and debt service. The financial forecast shall be submitted by the executive with the annual sewer rate ordinance.

FP-2: If the operations component of the proposed annual wastewater system budget increases by more than the reasonable cost of the addition of new facilities, increased flows, new programs authorized by the council, and inflation, or if revenues decline below the financial forecast estimate, a feasible alternative spending plan shall be presented, at the next quarterly budget report, to the council by the executive identifying steps to reduce cost increases. The executive shall maintain an ongoing program of reviewing business practices for savings and efficiencies; the results shall be reported in the annual budget submittal.

FP-3: The county shall maintain for the wastewater system a prudent minimum cash balance for reserves, including but not limited to, cash flow and potential future liabilities. The cash balance shall be approved by the council in the annual sewer rate ordinance.

FP-4: Unless otherwise directed by the council by motion, the King County department of natural resources and parks shall charge a fee that recovers all direct and indirect costs for any services related to the wastewater system provided to other public or private organizations.

FP-5: Water quality improvement activities, programs and projects, in addition to those that are functions of sewage treatment, may be eligible for funding assistance from sewer rate revenues after consideration of criteria and limitations suggested by the metropolitan water pollution abatement advisory committee, and, if deemed eligible, shall be limited to one and one half percent of the annual wastewater system operating budget. An annual report on activities, programs and projects funded will be made to the RWQC. This policy shall remain in effect until such time as a financial plan for the surface water regional needs assessment is adopted and implemented.

FP-6: The calculation of general government overhead to be charged to the wastewater system shall be based on a methodology that provides for the equitable distribution of overhead costs throughout county government. Estimated overhead charges shall be calculated in a fair and consistent manner, utilizing a methodology that best matches the estimated cost of the services provided to the actual overhead charge. The overall allocation formula and any subsequent modifications will be reported to the RWQC.

FP-7: The assets of the wastewater system are pledged to be used for the exclusive benefit of the wastewater system including operating expenses, debt service payments, asset assignment and the capital program associated therewith. The system shall be fully reimbursed for the value associated with any use or transfer of such assets for other county government purposes. The executive shall provide reports to the RWQC pertaining to any significant transfers of assets for other county government purposes in advance of and subsequent to any such transfers.

2. Debt financing and borrowing.

FP-8: The county shall structure bond covenants to ensure a prudent budget standard.

FP-9: King County should structure the term of its borrowings to match the expected useful life of the

assets to be funded.

FP-10: The wastewater system's capital program shall be financed predominantly by annual staged issues of long-term general obligation or sewer revenue bonds, provided that:

All available sources of grants are utilized to offset targeted program costs;

Funds available after operations and reserves are provided for shall be used for the capital program; excess funds accumulated in reserves may also be used for capital;

Consideration is given to competing demands for use of the county's overall general obligation debt capacity; and

Consideration is given to the overall level of debt financing that can be sustained over the long term given the size of the future capital programs, potential impacts on credit ratings, and other relevant factors such as intergenerational rate equity and the types of projects appropriately financed with long-term debt.

FP-11: To achieve a better maturity matching of assets and liabilities, thereby reducing interest rate risk, short-term borrowing shall be used to fund a portion of the capital program, provided that:

Outstanding short-term debt comprises no more than fifteen percent of total outstanding revenue bonds and general obligation bonds; and

Appropriate liquidity is available to protect the day-to-day operations of the system.

3. Rates - sewer rates and capacity charge.

FP-12: Existing and new sewer customers shall each contribute to the cost of the wastewater system. To implement this policy, rate and capacity charge methodology will be adopted by the council, after consultation with the RWQC, consistent with state law.

a. King County shall maintain a uniform monthly sewer rate expressed as charges per residential customer equivalent for all customers. Costs of infrastructure improvements for new customers shall be recovered by a capacity charge.

b. King County shall pursue changes in state law to attain greater flexibility in setting capacity

charges. In 2000 King County shall seek to achieve the authority to set such charges locally, in the same manner granted to cities and towns. Within six months of achieving the authority to set such charges locally, the executive shall propose for consideration by the council, after consultation with the RWQC, explicit policies for setting the capacity charge including recommendations to achieve growth paying for growth. Upon implementation of these explicit policies, the Seattle combined sewer overflow benefit charge shall be discontinued.

c. The executive shall propose and the council adopt, after consultation with the RWQC, explicit policies for the setting of customer monthly sewer rates;

d. King County shall charge its customers sewer rates sufficient to cover the costs of constructing and operating its wastewater system. Revenues shall be sufficient to maintain capital assets in sound working condition, providing for maintenance and rehabilitation of facilities so that total system costs are minimized while continuing to provide reliable, high quality service and maintaining high water quality standards. The executive, in consultation with the RWQC, shall propose for council adoption policies to ensure adequate debt service coverage and emergency reserves are established and periodically reviewed;

e. Based on an analysis of residential water consumption, as of December 13, 1999, King County uses a factor of seven hundred fifty cubic feet per month to convert water consumption of volume-based customers to residential customer equivalents for billing purposes. King County shall periodically review the appropriateness of this factor to ensure that all accounts pay their fair share of the cost of the wastewater system;

f. King County should attempt to adopt a multiyear sewer rate to provide stable costs to sewer customers. If a multiyear rate is established and when permitted upon the retirement by the county of certain outstanding sewer revenue bonds, a rate stabilization reserve account shall be created to ensure that adequate funds are available to sustain the rate through completion of the rate cycle. An annual report on the use of funds from this rate stabilization account shall be provided annually to the RWQC; and

g. King County should periodically review the capacity charge to ensure that the true costs of system expansion are reflected in the assessed charge. All reasonable steps should be taken to coordinate fee assessments and accounting with component agencies to reduce redundant program overhead costs.

FP-13: The executive shall prepare and submit to the council a report in support of the proposed monthly sewer rates for the next year, including the following information:

Key assumptions: key financial assumptions such as inflation, bond interest rates, investment income, size and timing of bond issues, and the considerations underlying the projection of future growth in residential customer equivalents;

Significant financial projections: all key projections, including the annual projection of operating and capital costs, debt service coverage, cash balances, revenue requirements, revenue projections and a discussion of significant factors that impact the degree of uncertainty associated with the projections;

Historical data: a discussion of the accuracy of the projections of costs and revenues from previous recent budgets, and

Policy options: calculations or analyses, or both, of the effect of certain policy options on the overall revenue requirement. These options should include alternative capital program accomplishment percentages (including a ninety percent, a ninety-five percent and a one hundred percent accomplishment rate), and the rate shall be selected that most accurately matches historical performance in accomplishing the capital program and that shall not negatively impair the bond rating.

FP-14. Expenditures from the wastewater revenues to correct water pollution problems caused by septic systems shall occur only if such expenditures financially benefit wastewater system current customers when the additional monthly sewer rate revenues from these added customers are considered.

FP-15: The cost of community treatment systems developed and operated in accordance with WWSP-15 would not be subsidized by the remaining ratepayers of the county's wastewater treatment system.

SECTION 254. Ordinance 13680, section 18, and K.C.C. 28.86.180 are hereby amended to read as

follows:

Implementation. A. The executive is hereby directed to prepare and recommend to the council an operational master plan that meets the requirements of K.C.C. chapter 4.04. If any portion of the proposed operational master plan is inconsistent with the RWSP policies contained in this chapter, the executive shall submit at the same time a proposed ordinance amending the affected policies.

B. The operational master plan shall contain the following major elements and shall further define as necessary the major projects, projected capacity, projected completion dates and estimated costs referenced in this chapter. The operational master plan shall include a schedule and milestones for completion of the north treatment plant by 2010 and a schedule and milestones for completion of the North Lake Interceptor as a tunnel by 2006 or sooner if possible.

1. Treatment capacity. Population and employment growth is projected to require the wastewater system capacity to expand from two hundred forty-eight mgd to three hundred four mgd by 2030. The estimated costs of treatment facilities to achieve this expanded capacity by 2030 is two hundred seventy-seven million dollars 1998 net present value. The expanded capacity shall be provided by:

a. constructing a new north treatment plant on a site large enough to accommodate ultimate plant build out in north King County or south Snohomish county with a capacity of thirty-six mgd by 2010 or as soon thereafter as possible to handle wastewater flows from a new north service area defined in the plan. This plant would provide secondary treatment and would discharge treated effluent to Puget Sound. To facilitate the production of reclaimed water, the possibility of upgrading to tertiary treatment with a freshwater outfall should be investigated during the initial phase of construction and subsequent expansions;

b. expanding the treatment capacity at the south treatment plant from one hundred fifteen mgd to one hundred thirty-five mgd by 2029. This expansion would handle increased wastewater flows from the southern and eastern portions of the service area. Some or all of the plant's capacity could also be upgraded to tertiary treatment, to meet water quality standards or facilitate water reuse, as part of future expansions or in addition to

the secondary level of treatment using available land reserves at the plant site; and

c. maintaining the west treatment plant at its capacity of one hundred thirty-three mgd primarily to serve the city of Seattle and handle flows from the combined sewers in the area. Additional facilities should be planned in the year 2018 to accommodate the extended peak CSO flows that will occur after storms once CSO control projects are constructed.

2. Conveyance facilities.

a. The conveyance facilities are to be configured, sized and scheduled to support the treatment plants by conveying wastewater to and treated effluent from the plants. The estimated costs of conveyance facilities is five hundred eighty-two million dollars 1998 net present value. Major projects, with the estimated date the facility will be on line, should include:

Parallel East Side Interceptor Section -1 (2000)

Increase York Pump Station capacity to sixty-eight mgd (2000)

Parallel Auburn Interceptor Sections 1, 2((;)) & 3 (2004)

Construct six million gallons of off-line storage at North Creek (2002)

Construct North Lake Interceptor and pump station to extend from the McAleer/Lyon Trunk to the Kenmore Pump Station sized to create ten million gallons of storage (2006 or sooner if possible)

Construct forcemain from new Kenmore Pump Station to North treatment plant (2010)

Construct one hundred twenty mgd pump station at Kenmore to pump to North treatment plant (2010)

Construct tunnel from North treatment plant to Puget Sound, sized to accommodate ultimate plant buildout (2010)

Construct North treatment plant outfall, sized to accommodate ultimate plant buildout (2010)

Construct three to five million gallons of storage at south treatment plant to achieve a five-year design storm standard of protection for the Effluent Transfer System (2030)

Construct Auburn Interceptor Storage (2020)

Increase North Creek Pump Station to fifty mgd (2016)

Modify York Pump Station to pump thirty-five mgd north (2016)

Construct force main to convey flows from North Creek to Kenmore Pump Station (2016)

b. King County will construct additional conveyance improvements (e.g., increasing conveyance and pump station capacity and extending conveyance) to accommodate increased flows in other parts of the service area to serve population growth in the smaller wastewater service basins and to prevent improper discharges from the sanitary system.

Extending the county's ownership of conveyance policy into Snohomish county will increase the amount of conveyance owned and operated by King County. The assessment of this extension will be done and presented to the King County council and may include, but not be limited to, the Swamp Creek and North Creek Interceptors currently owned and operated by the Alderwood Water and Sewer District.

3. I/I. The estimated cost for assessing the levels of I/I in local sewer systems is sixteen million dollars and the estimated costs of pilot projects is fifteen million dollars, both in 1998 net present value.

4. CSOs.

a. CSO projects shall be prioritized based on first controlling discharges that impact bathing beaches and species listed under ESA. The second priority is other CSO locations that have the potential to affect public health and safety. Third priority are all other CSO locations. The estimated cost for CSO control projects is two hundred twenty million dollars, 1998 net present value. These project areas should be completed on the following schedule:

Priority	Project areas and projects	Completion period
1	<u>Puget Sound beaches</u>	2009-2011
	Norfolk 0.8 million gallon (MG) storage tank	
	South Magnolia 1.3 MG storage tank	
	SW Alaska 0.7 MG storage tank	

	Murray 0.8 MG storage tank	
	Barton Pump Station (PS) Upgrade	
	North Beach storage tank & PS upgrade	
2	<u>Lake Washington ship canal, east side</u>	2015
	University/Montlake 7.5 MG storage tank	
3	<u>Duwamish River and Elliott Bay shoreline</u>	2017-2027
	Hanford #2 3.3 MG storage/treatment tank	
	Lander 1.5 MG storage/treatment tank	
	Michigan 2.2 MG storage/treatment tank	
	Brandon 0.8 MG storage/treatment tank	
	Chelan 4.0 MG storage tank	
	Connecticut 2.1 MG storage/treatment tank	
	King Street conveyance to Connecticut	
	Hanford at Rainier 0.6 MG storage tank	
	8th Ave. S 1.0 MG storage tank	
	W Michigan conveyance expansion	
	Terminal 115 0.5 MG storage tank	
4	<u>Lake Washington ship canal, west side</u>	2029-2030
	Ballard 1.0 MG storage tank	
	3rd Ave W 5.0 MG storage tank	
	11th Ave NW 2.0 MG storage tank	
Other	<u>West treatment plant - primary and secondary</u>	
	treatment enhancements to handle increased	
	flows from CSO projects	2018

b. The CSO projects may include:

(1) constructing large underground tanks and tunnels to store combined flows during storms. These flows would then be pumped to the west treatment plant once the rain subsides; and

(2) treating the combined sewage at existing CSO outfall locations using technology to remove solids and disinfect the combined sewage before discharge.

Refinements to the CSO program may be required in response to changing conditions and new information. The listing of species under the ESA may affect project priorities, schedule and associated mitigation options.

5. Biosolids.

a. King County will continue to produce Class B biosolids using anaerobic digestion at the south and west treatment plants and to implement the same process at the north treatment plant until a new technology can be used reliably. The plan also proposes that the county continue to evaluate alternative technologies to reduce the water content of biosolids while preserving their marketability. The primary objective of this evaluation will be to identify alternatives to digesters at the west treatment plant, a condition of the West Point Settlement Agreement.

As part of planning for the north treatment plant, King County should evaluate conventional, alternative and new solids processing technologies using criteria such as product quality (class A or B), marketability, odor and other potential community impacts, impact on sewer rates, reliability of the treatment process, amount of land needed for the treatment facility and the number of truck trips needed to transport the biosolids produced. Based on the results of this evaluation and public comment, the executive should recommend one of three biosolids handling scenarios at any or all of the treatment plants:

(1) continue using anaerobic digestion;

(2) supplement anaerobic digestion with another treatment technology; or

(3) replace anaerobic digestion with another treatment technology.

b. The estimated costs for the expanded solids handling facilities needed at both the new north treatment plant and the south treatment plant are eighty-five million dollars net present value.

c. The county should continue using a public-private partnership approach to recycling biosolids such as using biosolids on working forests in King County to enhance wildlife habitat and generate long-term income from selective timber harvests.

6. Water reuse program. The south and west treatment plants should continue to produce reclaimed water for nonpotable uses and explore the production of reclaimed water at new facilities. The work plan for the water reuse program is to be prepared no later than twelve months from the adoption of the RWSP. King County will work with water suppliers to plan and implement an accelerated water reuse program that could augment existing water supplies.

If a public education and involvement program on water reuse is to be developed and implemented, it shall be coordinated with water conservation education programs. The estimated cost to evaluate potential future uses of reclaimed water and conduct pilot studies and demonstration projects is twenty million dollars net present value.

7. Community treatment systems.

a. Any operations under these policies shall require an operational master plan as described in K.C.C. 4.04.200 C.1. Failure to submit such a plan shall cause the affected capital improvement project to be out of compliance with these policies.

b. In addition to the requirements of K.K.C. 4.04.200 C.1 an operational master plan submitted under these policies shall include:

(1) description of career retention programs that are to be structured in a manner consistent with the King County/Metro merger, labor law and King County's labor contracts;

(2) an engineering evaluation that confirms that the selected projects are most cost effective and technically efficacious and consistent with King County growth management policies for the surrounding area;

and

(3) explanation of how King County participation in community treatment systems is consistent with other water pollution abatement activities of the department of natural resources and parks, which currently operates centralized wastewater treatment facilities as contrasted with community treatment systems.

C. The executive is hereby authorized to begin implementation of the RWSP pursuant to the 1999 capital improvement program appropriation. Implementation beyond 1999 may proceed, provided that there is an approved operational master plan and the six-year capital improvement plan is updated in the 2000 adopted budget to reflect the adopted RWSP.

SECTION 255. Ordinance 5292, section 5, and K.C.C. 46.04.040 are hereby amended to read as follows:

RCW 46.61.415-1 amended - Speed limit revisions. RCW 46.61.415-1 is amended as follows:

Speed limit revisions.

A. The director of the department of (~~((public works and))~~)transportation is empowered to revise existing speed limits on all streets and roads within this county as authorized by state law; provided, that such speed limit revisions shall not exceed ten miles per hour; provided further, that any determination of the proper numerical value for a speed zone will be based upon the following engineering and traffic investigation factors:

1. Road surface characteristics, shoulder conditions, grade, alignment and sight distance;
2. The eighty-five percentile speed and pace speed;
3. Roadside development and culture, and roadside friction;
4. Safe speed for curves or hazardous locations within the zone;
5. Parking practices and pedestrian activity;
6. Reported accident experience for a recent twelve-month period.

B. Action of the director of the department of (~~((public works and))~~)transportation in any speed limit revisions may be appealed by a person to the King County council provided the appeal is filed in writing within

thirty calendar days from the date of posting of speed zone.

SECTION 256. Based upon the preliminary review of the Properties Expert Review Task Force (PERT), thoughtful consideration of capital asset management, planning, retention and disposition needs to occur in a comprehensive manner. Past reorganizations have resulted in the unintended consequence of a property management system that is not sufficiently integrated countywide. Deliberative study and thoughtful implementation of an organizational structure is needed in order to achieve the goals required by county policymakers.

In consideration of this review, the executive shall prepare and submit a report to the council on the organization of the facilities management division of the department of executive services by May, 2002. This report shall identify different organizational structures, including but not limited to, splitting the building services section from the asset management and development sections, creating two separate divisions, and integrating other like functions into the asset management and development section. Criteria for evaluation of proposed models shall include, but not be limited to, cost efficiencies; management oversight; development of decision making models for policy makers; effective and strategic planning for buildings and land assets and overall coordination of other related services.

SECTION 257. Sections 9 through 255 of this ordinance take effect on January 1, 2002.