



## Legislation Text

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**File #:** 2021-0384, **Version:** 2

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Clerk 01/26/2022

AN ORDINANCE relating to the contents of the capital improvement program and streamlining the capital budgeting process; and amending Ordinance 12075, Section 3, as amended, and K.C.C. 2.16.025, Ordinance 17293, Section 20, as amended, and K.C.C. 4A.10.100, Ordinance 17293, Section 50, as amended, and K.C.C. 4A.10.237, Ordinance 17929, Section 14, as amended, and K.C.C. 4A.100.030, Ordinance 17929, Section 19, as amended, and K.C.C. 4A.100.060, Ordinance 17929, Section 21, and K.C.C. 4A.100.080, Ordinance 17929, Section 22, and K.C.C. 4A.100.090, Ordinance 620, Section 4 (part), as amended, and K.C.C. 4A.100.100, Ordinance 16764, Section 2, as amended, and K.C.C. 4A.130.010, Ordinance 17930, Section 13, as amended, and K.C.C. 4A.130.020, and Ordinance 17930, Section 15, and K.C.C. 4A.130.040, adding two new sections to K.C.C chapter 4A.10, and repealing Ordinance 17929, Section 64, as amended, and K.C.C. 4A.10.471, Ordinance 17930, Section 14, and K.C.C. 4A.130.030, Ordinance 14921, Section 3, as amended, and K.C.C. 4A.160.010 and Ordinance 14921, Section 5, as amended, and K.C.C. 4A.160.020.

### STATEMENT OF FACTS:

1. In 2004, Ordinance 14921 established the joint advisory group to provide a forum for discussing a schedule of all legislation and early policy level dialogue between the executive and the council on major capital project and major real estate matters. The group members included

three councilmembers and three designees of the executive.

2. In 2010, Ordinance 16764 established the process for the joint advisory group, in consultation with the county auditor's capital projects oversight program, to determine capital projects to be designated mandatory phased appropriation projects ("MPA") based on a risk assessment and therefore subject to greater oversight and controls. The MPA designation was established in response to a 2009 accountability audit by the Washington state Auditor's Office.

3. In 2014, Ordinance 17930 modified the responsibilities of the JAG to be consistent with Ordinance 16764 to include reviewing of project risk assessment scores and making mandatory phased appropriation determinations for capital projects. Ordinance 17930 also modified the membership of the JAG to only include two designees of the council and two designees of the executive.

4. In general, K.C.C. 4A.130.010 requires a capital project undergo MPA determination, also known as risk scoring, when the total project cost estimate is over ten million dollars. Since it was established, the number of projects that was risk scored has grown from nineteen in 2010 to more than fifty-five in 2019, increasing the administrative burden on county agencies.

5. Moreover, the percentage of capital projects that have been designated by the joint advisory group as MPA has decreased from fifty percent in 2010 to six percent in 2019. In total, the joint advisory group has designated twenty-five capital projects as MPA projects. Of the total, nineteen currently are ongoing and remain designated as MPA projects.

6. In collaboration with council central staff and the county auditor's office, executive staff has proposed changes to enable the council to focus review on the highest-risk projects in the county's capital improvement program. The proposed changes would include replacing the MPA designation process with a new selection process for designating capital projects for risk monitoring and reduce administrative burdens on county agencies. The new selection process

would have the executive or council designate capital projects for risk monitoring and dissolve the joint advisory group. The proposed changes would also include making capital budgeting requirements clearer and consistent with current practices.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 12075, Section 3, as amended, and K.C.C. 2.16.025 are hereby amended to read as follows:

A. The county executive shall manage and be fiscally accountable for the office of performance, strategy and budget and the office of labor relations.

B. The office of performance, strategy and 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 project 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 project budgets throughout the fiscal period;
5. Formulating and implementing financial policies regarding revenues and expenditures for the county and other applicable agencies;
6. Performing program analysis, and contract and performance evaluation review;
7. Developing and transmitting to the council, concurrent with the biennial proposed budget, supporting materials consistent with K.C.C. chapter 4A.100;
8. Performance management and accountability:
  - a. providing leadership and coordination of the performance management and accountability system

countywide;

- b. overseeing the development of strategic plans and business plans for each executive branch department and office;
- c. providing technical assistance on the development of strategic plans and business plans for agencies;
- d. developing and using community-level indicators and agency performance measures to monitor and evaluate the effectiveness and efficiency of county agencies;
- e. overseeing the production of an annual performance report for the executive branch;
- f. coordinating performance review process of executive branch departments and offices;
- g. collecting and analyzing land development, population, housing, natural resource enhancement, transportation and economic activity data to aid decision making and to support implementation of county plans and programs, including benchmarks;
- h. leading public engagement and working in support of county performance management, budget and strategic planning; and
- i. developing and transmitting to the council a biennial report on April 30 in odd-numbered years about the benefits achieved from technology projects. The report shall include information about the benefits obtained from completed projects with total project expenditures of five million dollars or more and a comparison with benefits that were projected during different stages of the project. ~~((The report shall also include a description of the expected benefits from those projects not yet completed.))~~ The report shall be approved by the council by motion. The report and motion shall be filed in the form of ~~((a paper original and))~~ an electronic copy with the clerk of the council, who shall retain ~~((the original))~~ an electronic copy and provide an electronic copy to all councilmembers;

9. Strategic planning and interagency coordination:

- a. coordinating and staffing executive initiatives across departments and agencies;

- b. facilitating interdepartmental, interagency and interbranch teams on multidisciplinary issues;
- c. negotiating interlocal agreements as designated by the executive; and
- d. serving as the liaison to the boundary review board for King County;

10. Business relations and economic development:

- a. developing proposed policies to address regional, unincorporated urban, and rural economic development;
- b. establishing, fostering and maintaining healthy relations with business and industry;
- c. implementing strategies and developing opportunities that include partnering with, cities, the Port of Seattle and other economic entities on regional and subregional economic development projects;
- d. developing and implementing strategies to promote economic revitalization and equitable development in urban unincorporated areas including the possible assembly of property for the purpose of redevelopment;
- e. refining and implementing strategies in the county's rural economic strategies to preserve and enhance the rural economic base so that the rural area can be a place to both live and work; and
- f. assisting communities and businesses in creating economic opportunities, promoting a diversified economy and promoting job creation with the emphasis on family-wage jobs;

11. Continuous improvement:

- a. leading, coordinating and implementing a program of continuous improvement, including the provision of leadership development, transformational improvement and capacity building in Lean thinking; and
- b. providing annual reports to the council on the implementation of the continuous improvement program, including but not limited to a description of the number of people and agencies that have received training, the processes changed as a result of Lean implementation and the budget and other impacts of these changes; and

12. Regional planning:

- a. coordinating the county's participation in multicounty planning at the Puget Sound Regional Council, including serving on the Puget Sound Regional Council's regional staff committee;
- b. coordinating countywide planning at the Growth Management Planning Council consistent with the Washington state Growth Management Act, including leading the Growth Management Planning Council's interjurisdictional staff team in accordance with the interlocal agreement authorized by King County Motion 8495;
- c. managing updates to the county's Comprehensive Plan in coordination with the department of local services in accordance with K.C.C. Title 20;
- d. coordinating the development of demographic and growth forecasting data and information including census data, growth targets and buildable lands;
- e. facilitating annexations and joint planning with cities, including developing annexation proposals, drafting interlocal agreements, and serving as the liaison to the boundary review board for King County; and
- f. colleading with the department of local services, permitting division, an interbranch regional planning team that supports the council and executive through the provision of information and data, development of policy proposals and options for regional issues related to growth management, economic development and transportation. Participation in the interbranch regional planning team shall include executive, department and council staff as designated by the respective branches.

C. The office of labor relations functions and responsibilities shall include, but not be limited to:

1. Representing county agencies in the collective bargaining process as required by chapter 41.56 RCW;
2. Developing and maintaining databases of information relevant to the collective bargaining process;
3. Representing county agencies in labor arbitrations, appeals, and hearings including those in chapter 41.56 RCW and required by K.C.C. Title 3, in collaboration with the department of human resources;

4. Administering labor contracts and providing consultation to county agencies regarding the terms and implementation of negotiated labor agreements, in collaboration with the department of human resources;
5. Advising the executive and council on overall county labor policies; and
6. Providing resources for labor relations training for county agencies, the executive, the council and others, in collaboration with the department of human resources.

D.1. The county council hereby delegates to the executive or the executive's designee authority to request a hearing before the Washington state Liquor and Cannabis Board and make written recommendations and objections regarding applications relating to:

- a. liquor licenses under chapter 66.20 RCW; and
- b. licenses for marijuana producers, processors or retailers under chapter 69.50 RCW.

2. Before making a recommendation under subsection D.1. of this section, the executive or designee shall solicit comments from county departments and agencies, including, but not limited to, the department of local services, public health - Seattle & King County, the sheriff's office and the prosecuting attorney's office.

3. For each application reviewed under subsection D.1.b. of this section, the executive shall transmit to the county council a copy of the application received with the applicant's name and proposed license application location, a copy of all comments received under subsection D.2. of this section and the executive's recommendation to the Washington state Liquor and Cannabis board.

E. The executive may assign or delegate budgeting, performance management and accountability, economic development and strategic planning and interagency coordination functions to employees in the office of the executive but shall not assign or delegate those functions to any departments.

NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 4A.10 a new section to read as follows:

"Capital appropriation proposal form" means a document that provides the project scope, justification and other supporting data for a capital project expenditure authority request included in a proposed capital

budget appropriation ordinance.

SECTION 3. Ordinance 17293, Section 20, as amended, and K.C.C. 4A.10.100 are hereby amended to read as follows:

"Capital project" means a project with a scope that includes one or more of the following elements, all related to a capital asset: acquisition of either a site or existing structure, or both; program or site master planning; design and environmental analysis; information technology investment, construction; major equipment acquisition; reconstruction; demolition; or alteration or renovation. "Capital project" includes a: ((~~project plan~~)) capital appropriation proposal form; scope; budget by phase; and schedule.

SECTION 4. Ordinance 17293, Section 50, as amended, and K.C.C. 4A.10.237 are hereby amended to read as follows:

"Design phase" means the time during which design is completed, permits and other permissions are secured so that the project, or staged elements of the project consistent with the project scope ((~~plan~~)), can proceed to implementation. Design phase also includes development of a final cost estimate, plans, specifications and a bid package.

SECTION 5. Ordinance 17929, Section 64, as amended, and K.C.C. 4A.10.471 are hereby repealed.

NEW SECTION. SECTION 6. There is hereby added to K.C.C. 4A.10 a new section to read as follows:

"Risk monitored project" means a project selected by council motion or by the executive for additional monitoring and reporting as described in K.C.C. 4A.100.100.A.4.a. and 4A.130.040.

SECTION 7. Ordinance 17929, Section 14, as amended, and K.C.C. 4A.100.030 are hereby amended to read as follows:

A. All capital projects shall be included in the six-year capital improvement program for the fiscal period and the next two fiscal periods and shall be organized by fund in the budget. The capital improvement program shall reflect changes, as needed, to capital projects resulting from determinations that the capital



budget is not supported by fund balance and revenues to be collected. ~~((If the budget includes a new mandatory phased appropriation project or an additional or amended capital budget appropriation for an existing mandatory phased appropriation project, the executive shall submit supporting data as identified in K.C.C. 4A.130.030.))~~ A bond ordinance to provide funding for a capital project is not an appropriation for capital projects.

B.1. The capital improvement program shall include the following supporting data in a standard format for each capital project, in ~~((the form of))~~ any combination of:

a. ~~an electronic database; ((, when possible, with a capital project number, project title, division, department, council district, fund number and fund name, appropriation and expenditures to date and six-year appropriations. The electronic database should provide the capability to sort the capital improvement program by capital project number, division, department, council district, fund number and fund name))~~

b. a capital appropriation proposal form; or

c. a separate submission by the executive.

2. Supporting data shall include:

~~((1-))~~ a. a capital project number, project title, division, department, council district, fund number and fund name;

b. ~~((E))~~ estimated expenditure authority for at least the next six years ((, by)) for the capital improvement program;

~~((2-))~~ c. an ((E)) expenditure authority proposed for existing or new capital projects during the ensuing fiscal period, with information indicating sources of proposed revenue;

~~((3- Whether the proposed project is the result of an operational need identified in an executive and council approved business plan and project plan;~~

4-)) d. ~~((A))~~ anticipated project schedule information;

~~((5-))~~ e. ~~((E))~~ estimated net annual operating costs associated with each capital project upon

completion, if applicable;

~~((6-))~~ f. ~~((A))~~ an enumeration of any revised capital project cost estimates;

~~((7- Life to date))~~ g. expenditure authority amount to date and moneys expended ~~((on the project life))~~ to date;

~~((8-))~~ h. ~~((A))~~ anticipated specific project phases within each capital project, including the individual allocations by project phase;

~~((9- A))~~ i. a list of planned subprojects including an assigned capital project number, project title, division, department, council district, fund number and fund name;

~~((10- A))~~ j. a list of capital project ~~((appropriation))~~ expenditure authority requests, including an explanation of how the capital project complies with applicable plans under K.C.C. 4A.100.060~~((-))~~;

~~((11-))~~ k. ~~((O))~~ one emergent need contingency project and any grant contingency projects under K.C.C. 4A.100.080 and 4A.100.090 may be included in the capital improvement program at the fund level;

~~((12- A list of lapsed capital projects for which the appropriation has lapsed because the capital project has been abandoned or no expenditure or encumbrance has been made on the project for three years shall be disappropriated; and~~

~~13-))~~ l. ~~((S))~~ separate operating and operating transfers to capital appropriations if a single fund finances both operating expenses and capital projects; ~~((and))~~

~~((14-))~~ m. ~~((F))~~ for technology projects, the chief information officer's assessment required under K.C.C. 2A.380.200.A.2.

~~((C- Project plans, also known as capital appropriation proposal forms, shall also be included in the electronic database and shall include, but not be limited to))~~

~~1- Project number, project title, program, division, department, council district, fund number and fund name));~~

~~((2-))~~ n. ~~((T))~~ the project's scope and a brief description of how the project satisfies the agency's

business plan requirements and, if applicable, how the project satisfies the agency's site master plan;

~~((3-))~~ o. ~~((C))~~ current phase of project ~~((, phase-status))~~ and whether the project has been designated as a ~~((mandatory phased appropriation))~~ risk monitored project;

~~((4-))~~ p. ~~((P))~~ project baseline, if established, and explanation of any significant variance from it;

~~((5-))~~ q. if a project has completed the preliminary design phase, an explanation of alternatives considered;

~~((6- Appropriation and expenditure amounts to date;~~

~~7- Ensuing fiscal period appropriation requested amount;~~

~~8-))~~ r. ~~((E))~~ estimated cost through project closeout, which may be expressed as a range if baseline is not established and planned project costs by phase;

~~((9- Explanation of how contingency amounts were determined or reference to applicable county policy;~~

~~10- Explanation of how inflation is incorporated or reference to applicable county policy;~~

~~11-))~~ s. ~~((F))~~ identification of funding sources, funding status, and funding risks; and

~~((12-))~~ t. ~~((D))~~ description of key project risks, including summary of top risks in the risk register, if applicable.

~~((D-))~~ C.1. Capital project cost estimates shall:

- a. be prepared in accordance with applicable industry standards;
- b. be identified by the executive as part of the budget;
- c. include requirements of external funding sources and county policies, including, but not limited to, standards regarding estimate accuracies, methodology for determining contingency included for uncertainty and the cost index used to define the time value of money.

2. The level of detail incorporated within each cost estimate shall be commensurate with the information available at each phase of a capital project ~~((;))~~ and shall be consistent with the Association for the

Advancement of Cost Engineering International cost estimate classification system. For technology projects, cost estimates shall be consistent with the ~~((King County))~~ department of information technology project management methodology. The estimates for all succeeding phases shall be updated to represent the latest project information.

~~((E.))~~ D. An updated ~~((project plan))~~ capital appropriation proposal form shall be provided for each capital project expenditure authority request ~~((for))~~ included in a proposed capital budget appropriation ordinance.

~~((F.))~~ E. Each technology capital project seeking ~~((appropriation))~~ expenditure authority shall also include a benefit achievement plan describing: how the proposed technology investment will produce an improvement or savings in county services; how the improvement or savings will be measured; how much improvement or savings is expected; and when the improvement or savings is likely to be achieved.

~~((G.))~~ F. The major maintenance capital program submitted with the budget shall include the following:

1. A detailed financial plan covering at least six years setting forth the sources and amounts of revenues used to finance major maintenance reserve fund expenditures in each year of the plan. The revenues from a particular source may change from year to year, as economic and budgetary circumstances warrant. However, if proposed revenues do not fully support the major maintenance financial model, then the discrepancy shall be documented together with justification and a recovery plan outlining how the deficiencies will be restored;
2. The major maintenance financial model ~~((, which))~~ is the analytical system for the expenses for periodic replacement of major county building systems and components and for developing the revenue estimates necessary to cover those expenses. The model shall include any proposed changes from the previous fiscal period model to building systems and components, life cycles, estimates, percentage allocations or other associated assumptions that form the basis of the model; and
3. The proposed major maintenance program plan, which is the prioritized list of projects transmitted

to the council in the budget with the major maintenance reserve fund (~~((expenditure authority))~~) appropriation request for the ensuing fiscal period, accompanied by criteria used to develop the list and any changes from the previous fiscal period list. The plan shall be prioritized and include project names, project numbers and project ~~((appropriation))~~ expenditure authority requests. The final program plan is adopted by the council as part of the budget appropriation ordinance. Expenditures from the major maintenance reserve fund may be made only for approved capital projects on the program plan or approved reallocations but total expenditures shall not exceed the amount appropriated to the fund.

~~((H-))~~ G. Major maintenance program costs shall be financed by the major maintenance reserve fund. The calculation of the amount necessary to finance facility infrastructure maintenance costs for each building shall be determined by the major maintenance financial model. Proposed changes to the financial model are subject to the reporting requirements in subsection ~~((G-))~~F.2. of this section.

SECTION 8. Ordinance 17929, Section 19, as amended, and K.C.C. 4A.100.060 are hereby amended to read as follows:

Planning documents supporting the budget. The budget requires multiple plans that support the budget vision, goals and strategies. The budget shall be consistent with and reflect the following planning documents:

- A. Business plans under K.C.C. chapter 2.10;
- B. The King County Strategic Plan under K.C.C. chapter 2.10;
- C. The strategic plan for information technology under K.C.C. 2.16.0755;
- D. ~~((Project plans))~~ Capital appropriation proposal forms under K.C.C. 4A.100.030;
- E. When applicable, a site master plan as defined in 4A.10.545;
- F. The real property asset management plan under K.C.C. 20.12.100;
- G. The King County Comprehensive Plan under K.C.C. chapter 20.18; and
- H. The regional wastewater services plan operational master plan under K.C.C. 28.86.180.

SECTION 9. Ordinance 17929, Section 21, and K.C.C. 4A.100.080 are hereby amended to read as

follows:

A. An emergent need contingency project may be included in any capital improvement program fund under K.C.C. 4A.100.030.

B. Emergent need contingency projects must be included in the proposed capital fund's six year capital improvement program and be consistent with the proposed fund financial plan.

C. An emergent need contingency project amount shall not exceed five percent of the total proposed capital fund amount anticipated for the fiscal period or twenty million dollars, whichever is less.

D.1. For capital projects other than ~~((mandatory phased appropriation projects))~~ risk monitored projects, ~~((appropriation))~~ expenditure authority may be transferred from an emergent need contingency project to another capital project within the same fund to address costs not anticipated at the time of budget adoption. Capital projects requiring a transfer of less than fifteen percent of total project costs, a scope change or a schedule deviation must be reported in the quarterly management and budget report under K.C.C. 4A.100.100.

2. For transfers of fifteen percent or more of total project costs, the director of the office of performance, strategy and budget or its successor shall be responsible for electronically filing a capital project exception notification ~~((in the form of a paper original and an electronic copy))~~ with the clerk of the council, who shall retain ~~((the original))~~ an electronic copy and provide an electronic copy to all councilmembers and the lead staff for the budget and fiscal management committee or its successor. The notification must be sent and authorized as set forth in subsection ~~((F))~~ E. of this section ~~(([of this section]))~~ in accordance with this section before any transfer may occur.

E. ~~((Capital project exception notifications should be filed by the executive and may be received by the council at any time during the fiscal appropriation period.~~

F.)) When the clerk of the council receives a capital project exception notification, the clerk of the council shall list the capital project exception notification under other business on the next two council agenda. Councilmembers may object to the proposed transfer of emergent need contingency ~~((appropriation))~~

expenditure authority to another project in the same fund at either of those two council meetings. If an objection is not made at either council meeting, the transfer may proceed. If an objection to the transfer of emergent need contingency is made at a council meeting, the transfer may not proceed. The clerk of the council shall notify the director of the office of performance, strategy and budget or its successor of the council's action.

SECTION 10. Ordinance 17929, Section 22, and K.C.C. 4A.100.090 are hereby amended to read as follows:

A grant contingency project may be included in a capital improvement program fund appropriation in anticipation of projects to be supported by grant revenues or other external funding sources. A grant contingency project shall not be approved without documentation, such as grant applications or records of previous grant awards, to support the anticipated project ~~((appropriation))~~ expenditure authority. ~~((Appropriations))~~ Expenditure authority for grant contingency projects shall be expended or encumbered only in the amount of revenues awarded from external funding sources or a combination of external funds received and county matching revenues. After an agency receives a notification of an award of grant revenues or other external funding, it may transfer expenditure authority from the grant contingency project to the existing project awarded the grant revenues or other external funding without council approval up to the amount of the grant award or other external funding and associated local match if consistent with the documentation supporting the grant contingency project. Any such a transferred expenditure authority that is unused for the existing project may be transferred back to the grant contingency project without council approval. The expenditure authority transfers authorized by this section should be documented in the quarterly management and budget report under K.C.C. 4A.100.100.

SECTION 11. Ordinance 620, Section 4 (part), as amended, and K.C.C. 4A.100.100 are hereby amended to read as follows:

A. The following reports shall be prepared:

1. A comprehensive annual financial report. The executive shall annually prepare and publish a comprehensive financial report covering all funds and financial transactions of the county during the preceding fiscal period;

2. Internal county audit reports. The county auditor shall periodically prepare and publish the results of examinations performed by the county auditor's office of the effectiveness, efficiency and equity of the operation of county agencies. The examination report and any departmental response to the audit shall be made available by the county auditor, either electronically or in print formats, and by posting on the Internet;

3. State audit report. The examination report of the county's financial affairs and transactions issued annually by the Office of the State Auditor and the county response to the audit shall be made available to the State Auditor annually, either electronically or in print formats, and by posting on the Internet; and

4. Quarterly budget management reports.

a. The executive shall submit to the council a report detailing the results of actual revenue collections and expenditures for each fund. The report shall:

(1) present current financial plans for operating and capital funds that have gone through the office of performance, strategy and budget's financial monitoring process, as described in the current comprehensive financial management policies adopted by council motion (~~(by the council)~~) during the current quarter, including actual expenditures and revenues;

(2) identify significant variances in revenue and expenditure estimates for the general fund;

(3) list any transfer of emergent need contingency expenditure authority that would increase the total budget of a capital project (~~(by less)~~), identifying those increases that are greater than fifteen percent;

(4) list any transfer of grant contingency expenditure authority;

(5) list any capital budget appropriations that have lapsed because the project has been completed, abandoned, or because no encumbrance or expenditure has been made for three years;

(6) report scope, schedule and budget status for capital projects that has a baseline with total



estimated cost greater than one million dollars;

~~((5))~~ (7) summarize the risks included in the risk assessment register for baselined ~~((mandatory phased-appropriation))~~ risk monitored projects in the design phase, ~~((and))~~the acquisition phase~~((s))~~ and the implementation phase, summarize change orders and amendments, explain change orders and amendments that have the cumulative potential to carry the project over project baseline and summarize the results of the latest earned value analysis;

~~((6))~~ (8) list all new donations to the department of public health of two thousand dollars or more, as described in K.C.C. 2.35A.200, including the name of the person making the donation, the amount of the donation, and the public health purpose for which it is intended to be expended. In any case where the donation originates from social media activity such as crowdsourcing, the list shall include the name of the person sponsoring this activity; and

~~((7))~~ (9) report on all incremental changes to sections and attachments to the biennial budget appropriations ordinance made during the quarter, including the ordinance numbers making the changes.

b. The report shall be electronically filed with ~~((delivered to))~~ the clerk of the council ~~((in the form of a paper original))~~, who shall retain an electronic copy and provide an electronic copy ~~((for distribution))~~ to all councilmembers and ~~((to the chair and))~~ the lead staff of the budget and fiscal management committee, or its successor, no later than June 1 for the first quarterly report, September 1 for the second quarterly report, December 1 for the third quarterly report and March 1 for the fourth quarterly report. The director of performance, strategy and budget shall also be responsible for posting the report on the Internet.

B. The King County project control officer is requested to report annually on the process used to ensure that all departments and divisions adhere to King County's construction management policies and procedures, the compliance rate for following the county's construction management policies and procedures and the steps being taken to increase compliance with King County's construction management policies and procedures. Additionally, the report shall summarize all findings in regards to any changes in a contract's scope, schedule or

budget. The King County project control officer shall electronically file ~~((this))~~ the report by June 1 of each calendar year ~~((in the form of a paper original and an electronic copy))~~ with the clerk of the council, who shall retain ~~((the original))~~ an electronic copy and provide an electronic copy to all councilmembers, the lead staff for the budget and fiscal management committee or its successor and the ~~((capital project oversight office in the))~~ county auditor's office.

SECTION 12. Ordinance 16764, Section 2, as amended, and K.C.C. 4A.130.010 are hereby amended to read as follows:

A. A capital project shall undergo an annual ~~((mandatory phased appropriation determination))~~ risk assessment in accordance with the process outlined in K.C.C. 4A.130.020 if it meets the following criteria and is not exempt by subsection B. of this section:

1. The total project cost estimate is over ~~((ten))~~ twenty-five million dollars;
2. ~~((For a project that has general fund financing, t))~~The project's ((appropriations)) expenditure authority together with any ((request for)) supplemental ((appropriations)) expenditure authority request collectively exceed ((two hundred fifty thousand)) three million dollars in the fiscal period, ((or, for a project that does not have general fund financing, the project's appropriations together with any request for supplemental appropriations collectively exceed five hundred thousand dollars)) and the implementing agency estimates that the project is less than three years away from establishing the project baseline or the project has completed the planning phase; and
3. For a project that has set a project baseline, the project has not had a ~~((mandatory phased appropriation determination))~~ risk assessment since setting of its project baseline.

B. The following types of capital projects are exempt from ~~((mandatory phased appropriation determination))~~ risk assessment:

1. Information technology projects that do not involve construction and that are subject to the project review board established by Ordinance 14155;

2. Open space acquisitions;
3. Purchase of transit vehicles; and
4. Lease-based projects that comply with the ((phased)) requirements of K.C.C. 4A.130.050.

SECTION 13. Ordinance 17930, Section 13, as amended, and K.C.C. 4A.130.020 are hereby amended to read as follows:

A. ~~((Capital projects required to undergo a mandatory phased appropriation determination))~~ The executive shall ensure that capital projects required to undergo a risk assessment shall receive an annual risk assessment score using a risk assessment scoring instrument developed by the county auditor((s capital projects oversight program)). Except as provided in subsection D.2. of this section, at least annually, the executive shall notify the county auditor of those capital projects undergoing a risk assessment.

B. The risk assessment scoring instrument shall use information such as complexity of regulatory requirements, interdependencies with other projects and programs, schedule constraints, implementing agency resources, project delivery method, complexity of property acquisition issues, public impact, risks inherent to the likely construction technology or any other issues that could have a significant impact on the ability of the project to meet its project baseline scope, schedule or budget. ~~((Before its use by implementing agencies, the instrument shall be approved by the joint advisory group. Revisions to the approved risk assessment scoring instrument proposed by the county auditor must be approved by the joint advisory group, which shall also set the effective date by which implementing agencies must start using the approved, revised instrument.))~~

C. The risk assessment scoring instrument shall be completed by the implementing agency. The implementing agency director shall ensure that the risk assessment scoring instrument is reviewed and signed by agency staff who does not report to the project's project manager, to anyone who reports to that project manager or to anyone to whom that project manager directly reports. The implementing agency shall submit the completed risk assessment scoring instrument to the executive by a deadline set by the county auditor. The executive shall compile all completed risk assessment scoring instruments and submit the compilation to the

county auditor.

D.1. For existing capital projects and anticipated capital project ~~((budget appropriation))~~ expenditure authority requests, by June 30 of each year the ((executive)) county auditor shall ((transmit)) electronically file the risk assessment score results, if required by K.C.C. 4A.130.010, ((by March 31 of each year to)) and a letter recommending which capital projects should be designated risk monitored projects with the clerk of the council, who shall retain an electronic copy and distribute electronic copies to ((the county auditor and the cochairs of the joint advisory group)) all councilmembers and the lead staff for the budget and fiscal management committee, or its successor. ((By May 31 of each year, the joint advisory group, in consultation with the capital projects oversight program, shall consider these projects' risk assessment scores and determine which projects are to be mandatory phased appropriation projects.)) The county auditor shall also transmit an electronic copy of its recommendation letter required by this subsection to the director of the office of performance, strategy and budget, or its successor.

2. For each capital project expenditure authority request included in a proposed supplemental capital budget appropriation ordinance ((requests)), the executive shall transmit a risk assessment score, if required by K.C.C. 4A.130.010, ((with the request)) to the county auditor. ((Within a reasonable time upon receipt of these projects' risk assessment scores, the joint advisory group, in consultation with the county auditor, shall consider these projects' risk assessment scores and determine which projects are to be mandatory phased appropriation projects.)) Within a reasonable time after receipt of such a risk assessment score, the county auditor shall determine whether the project has significant potential risk such that it warrants being designated a risk monitored project. The county auditor shall file a letter listing all projects that it recommends for designation as risk monitored projects under this subsection with the clerk of the council, who shall retain an electronic copy and distribute electronic copies to all councilmembers and the lead staff for the budget and fiscal management committee or its successor. The county auditor shall also transmit an electronic copy of its recommendation letter required by this subsection to the director of the office of performance, strategy and

budget, or its successor.

E.1. ~~((The joint advisory group should strive to have mandatory phased appropriation projects from a range of implementing agencies.~~

~~2. The joint advisory group may change the mandatory phased appropriation status of any project when the joint advisory group receives a risk assessment score for that project.~~

F. ~~The joint advisory group shall file a paper and an electronic copy of a list of all mandatory phased appropriation projects and their risk assessment scores with the clerk of the council. The joint advisory group shall file a paper and an electronic copy of an updated list with the clerk of the council any time there is a change in the mandatory phased appropriation determination of a project. The clerk shall retain a paper copy and distribute electronic copies of each list to the chair of the budget and fiscal management committee, or its successor, and the county auditor.~~

G. ~~For capital projects with characteristics that increase their likelihood of being completed late or over budget at a potentially significant financial cost or other significant impact to the county, t))~~The council may designate a capital project as a ((mandatory phased appropriation)) risk monitored project by motion or the executive may designate a capital project as a ((mandatory phased appropriation)) risk monitored project by letter to the council if:

a. the capital project is recommended by the county auditor;

b. the capital project has not submitted a completed risk assessment scoring instrument as required by this chapter; or

c. the capital project is otherwise determined to have characteristics that increase its likelihood of being completed late or over budget at a potentially significant financial cost or other significant impact to the county.

~~((A paper and))~~ 2. The executive shall file an electronic copy of ((the)) a risk monitored project designation letter ((shall be filed)) with the clerk of the council, who shall retain an ((paper)) electronic copy

and ~~((distribute))~~ provide electronic copies to all councilmembers, the ~~((cochairs of the joint advisory group or their designees))~~ lead staff for the budget and fiscal management committee or its successor and the county auditor.

~~((H. When submitting a capital budget appropriation ordinance or requesting a supplemental appropriation ordinance for a project subject to the mandatory phased appropriation review, the executive shall also submit the project's risk assessment score and the determination made by joint advisory group.))~~

SECTION 14. Ordinance 17930, Section 14, and K.C.C. 4A.130.030 are hereby repealed.

SECTION 15. Ordinance 17930, Section 15, and K.C.C. 4A.130.040 are hereby amended to read as follows:

A.1. The implementing agency shall establish and maintain a risk register and document strategies to address identified risks for each ~~((mandatory phased appropriation))~~ risk monitored project.

2. The implementing agency shall update the risk register at least quarterly, or more frequently should significant changes or additions be identified by the implementing agency.

B.1. The implementing agency shall employ earned value management on the design and implementation phases of ~~((mandatory phased appropriation))~~ risk monitored projects to forecast variations in final project cost or completion date, based on progress to date.

2. The implementing agency shall develop earned value management tools and methods with a level of detail and scope that is appropriate for the phase of the project and the associated level of certainty regarding cost and schedule estimates.

3. The earned value analysis shall be updated at least ~~((monthly))~~ quarterly.

SECTION 16. Ordinance 14921, Section 3, as amended, and K.C.C. 4A.160.010 are hereby repealed.

SECTION 17. Ordinance 14921, Section 5, as amended, and K.C.C. 4A.160.020 are hereby repealed.