Legislation Details (With Text)

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On agenda:		**Final action:**	4/16/2018
Enactment date:	4/18/2018	**Enactment #:**	18712
Title:	AN ORDINANCE related to the leasing and licensing of real property for the possession or use by the county; and amending Ordinance 17929, Section 20, as amended, and K.C.C. 4A.100.070.		
Sponsors:	Pete von Reichbauer		
Indexes:	Licensing, Property		
Code sections:	4A.100.070 - .		
Attachments:	1. Ordinance 18712.pdf, 2. 2018-0136 Legislative Review Form.pdf, 3. 2018-0136 transmittal letter.doc, 4. 2018-0136 revised PSERN code update FN.xls, 5. 2018-0136 Legislation Summary - PSERN Lease Code Change.docx, 6. 2018-0136_SR_PSERN_Code_Change final.docx, 7. ATT2. Striking Amendment S1.docx, 8. ATT5. 2018-0136_County_Led_Sites_dated_020918.docx, 9. 2018-0136_REVISED_SR_PSERN_Code_Change final.docx, 10. 18712 amendment package 4-16-18.pdf		

Date	Ver.	Action By	Action	Result
4/16/2018	2	Metropolitan King County Council	Hearing Held	
4/16/2018	2	Metropolitan King County Council	Passed as Amended	Pass
4/3/2018	1	Government Accountability and Oversight Committee	Recommended Do Pass Substitute	Pass
2/26/2018	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE related to the leasing and licensing of real property for the possession or use by the county; and amending Ordinance 17929, Section 20, as amended, and K.C.C. 4A.100.070.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 17929, Section 20, as amended, and K.C.C. 4A.100.070 are each hereby amended to read as follows:

A.1. Any departments or agencies, except the council, with unanticipated expenditures shall submit to the executive a statement of unanticipated expenditures. The statement shall specify any request for supplemental appropriation by program, project, object of expenditure or any combination thereof. The executive shall review the requests in accordance with the department's or agency's work plan and determine

whether to submit a supplemental appropriation request.

2. If during the fiscal period the executive determines that revenues will be less than the expenditure amounts included in the appropriations ordinance, the executive shall revise the expenditures of departments or agencies funded from those revenue sources to prevent the making of expenditures in excess of revenues. If the executive determines that the fund has unrestricted reserves, the executive may use these reserves to avoid making expenditure reductions; however, the use of reserves may not reduce the fund balances below target reserve amounts. If the use of reserves exceeds five percent of the total appropriation, the council shall be notified in the quarterly management and budget report. An expenditure shall not be made from any portion of an appropriation that has been assigned to a reserve status except as provided in this section.

B. All unexpended appropriations in noncapital appropriation ordinances lapse at the end of the fiscal period.

C. The executive may transfer appropriation authority from an emergent need contingency project to support a cost increase for a capital project in the same fund in accordance with the procedures in K.C.C. 4A.100.080.

D.1. Except as provided in this subsection, an agency shall not expend or contract to expend any money in excess of amounts appropriated. A contract made in violation of this subsection is null and void. An officer, agent or employee of the county knowingly responsible for such a contract is personally liable to anyone, including the county, damaged by the officer, agent or employee‘s action.

2. An agency may contract to expend money in excess of existing appropriations when:

a. the contract commits the county to expend funds beyond the biennium and the contract includes a cancellation clause that provides:

(1) the contract may be unilaterally terminated by the county for lack of appropriation; and

(2) the costs associated with such a termination, if any, shall not exceed the appropriation for the biennium in which termination occurs;

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b. the contract commits the county to expend funds beyond the biennium and the council, at the request of the executive, adopts an ordinance permitting the county to enter into the contract;

c. the contract implements a grant awarded to the county before the appropriation of grant funds, including appropriations that must be made in future years, if the council has received prior notice of the grant application and if either of the following conditions are met: all of the funds to be appropriated under the contract will be from the granting agency; or all financial obligations of the county under the contract are subject to appropriation; or

d. the contract is an emergency contract as authorized by K.C.C. 2.93.080.

3. In accordance with Section 495 of the King County Charter, real property shall not be leased to the county for more than one year unless it is included in a capital budget appropriation ordinance.

4.a. Any lease or license for the possession or use of real property by the county with a term, including any potential options, extensions or renewals, longer than five years must be approved by the council before execution by the executive.

b. Any decision to extend a lease or license for the possession or use of real property by the county beyond a cumulative total of five years, whether memorialized through an option, extension, amendment, or new lease or license, must be approved by the council before execution by the executive.

c. Any lease or license for the possession or use of real property by the county that requires more than fifty thousand dollars in tenant improvement or other alterations to the real property for the benefit of the county must be approved by the council before execution by the executive.

5. Any lease or license or extension of a lease or license for the possession or use of real property by the county entered into for the purpose of implementing the Puget Sound emergency radio network project as described in Ordinance 17993 and approved by the voters at the election held on April 28, 2015, may commit the county to expend funds in excess of amounts appropriated, and may be executed by the executive without council approval.

E. A capital project budget and phases of a capital project shall be prepared by the user agency. The capital project shall be managed by the implementing agency.

F. Ongoing review of capital projects for which moneys have been appropriated shall be coordinated by the office of performance, strategy and budget or its successor. For capital projects involving more than one agency, representatives from the agencies shall consult with the office of performance, strategy and budget or its successor. The office of performance, strategy and budget shall review capital projects for compliance with scope, budget and schedule.

SECTION 2. Until all leases or licenses or extensions of a lease or license for the possession or use of real property by the county entered into for the purpose of implementing the Puget Sound emergency radio network project as described in Ordinance 17993 and approved by the voters at the election held on April 28, 2015, are executed, the executive shall transmit letters no less than quarterly that include a brief description of the sites to be leased or licensed and the key terms of the site lease or license, as well as the anticipated date of execution for each of these Puget Sound emergency radio network leases or licenses or extensions of a lease or license. The executive shall file the letters in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the budget and fiscal management committee, or its successor.