

ORDINANCE NO. 6835

AN ORDINANCE relating to fees charged by county agencies; establishing fee-setting policies and procedures; adding a new chapter to the K.C.C.; and amending Ordinance 6531, Section 3, and K.C.C. 2.98.025.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

NEW SECTION. SECTION 1. Chapter Intent. It is the intent of the King County Council to establish county policies and procedures governing the authority of county agencies to set, charge, and collect fees.

NEW SECTION. SECTION 2. Definitions. For the purpose of this chapter:

A. "Fee" means a charge or amount assessed by a county agency to an individual or organization as a condition of receiving service from the agency, or as a condition of a regulatory process. The term "fee" does not include charges assessed by concessionaires or other independent organizations providing services at or on county facilities; nor performance or surety bonds; nor does it include charges or assessments collected by county agencies pursuant to a contract.

B. "Regulatory Fee" means any fee charged by a county agency in the course of carrying out and enforcing statutes, ordinances, or regulations. This includes business and occupation license fees; animal license and control fees; building and land use permit fees; and any other fee for permits/licenses issued as a requirement of law.

C. "Fee-for-Service" means any fee charged by a county agency to an individual or an organization as a condition of the individual, or organization receiving a service from the county. Such services include, but are not limited to, swimming and other recreational programs/activities; recording and copying of legal or other documents; criminal history checks; probation services; check disbursements; treasury services; and public defense representation.

1 D. "Enterprise Fund Fee" means any fee charged and
2 collected by or on behalf of the county's enterprise funds.

3 NEW SECTION. SECTION 3. Policies. The following
4 policies shall govern the establishment of fees and the amount
5 of fees:

6 A. Any fee where the amount or rate is established by
7 state statute is exempt from the provisions of this ordinance.

8 B. King County may establish any fee, consistent with
9 policies of this ordinance, unless specifically prohibited by
10 state statute.

11 C. Any fees established by the prosecuting attorney,
12 superior court, or district court at their discretion pursuant
13 to authority granted by state statute are exempt from the
14 provisions of this ordinance.

15 D. Any fees established by the county board of health
16 pursuant to state statute are exempt from the provisions of
17 this ordinance.

18 E. The following fees (and the amount of fees) must be
19 established by ordinance, unless specific administrative
20 fee-setting authority is granted by ordinance to a county
21 agency/official:

- 22 1. Regulatory fees;
- 23 2. Enterprise fund fees;
- 24 3. Swimming pool and other recreational service fees
25 charged as a condition of using county recreational facilities
26 or of participating in a recreational program/activity run by a
27 county agency.

28 F. For all other fees-for-service not specified in
29 Sections 3.A. through 3.E. of this ordinance, the following
30 policies and procedures will apply:

- 31 1. The executive may establish changes in the existing
32 amounts or rates of fees-for-service and may establish new
33 fees-for-service by submitting the proposed schedule of fee

1 changes to the county council at the time the executive
2 proposed annual budget is submitted. The proposed schedule of
3 fee changes shall also be filed with the clerk of the council.

4 2. The proposed schedule of fee changes shall include
5 the following information for each proposed fee change:

6 a. Fee Title and Description. This section should
7 indicate whether the proposal is a change in the amount of an
8 existing fee or a proposed new fee.

9 b. Proposed Amount/Rate. If the proposal is a change
10 to an existing fee, both the existing amount/rate and the
11 proposed amount/rate should be indicated.

12 c. Effective Date of the Change. This should be the
13 first day of the next calendar year.

14 d. Legal Authority. This section should cite this
15 ordinance or a more specific ordinance/statute, if any,
16 granting fee-setting authority.

17 e. Reason for Change. This section should indicate
18 the reason for the change and the methodology used to determine
19 the proposed amount/rate.

20 3. Following receipt of the executive proposed
21 schedule of fee changes, the county council may enact an
22 ordinance adopting or modifying the proposed schedule. If no
23 council action is taken on the proposed schedule within 75 days
24 of receipt, the proposed fee changes shall become effective as
25 submitted by the executive on the first day of the calendar
26 year following executive submittal.

27 4. Any changes in fees-for-service amounts or any new
28 fees-for-service proposed by the executive at times other than
29 that specified in this section must be submitted to the county
30 council in the form of a proposed ordinance; and such changes
31 shall not be effective unless enacted by ordinance.
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1 5. The fee-for-service amounts proposed by the
2 executive pursuant to this section shall reflect all reasonable
3 costs of providing the service.

4 NEW SECTION. SECTION 4. All fees not established
5 according to the policies and procedures outlined in Section 3
6 of this ordinance shall become null and void after December 31,
7 1984.

8 SECTION 5. Ordinance 6531, Section 3 and K.C.C. 2.98.025
9 are hereby amended to read as follows:

10 Application A. In keeping with the intent of this
11 chapter, the policy promulgated herein shall apply only to
12 rules involving matters other than the internal management of
13 county agencies.

14 B. The following shall not apply to rules, penalties or
15 fees set by the county board of health pursuant to state law.
16 Rules shall apply to the implementation of policy established
17 by ordinance(~~↓~~) or state law. Any rule which is in conflict
18 with such a policy shall be null and void. Penalties shall be
19 established only by ordinance. Fees and the amount of fees
20 shall be authorized (~~(only-by-ordinance,---All-fees-and-the~~
21 ~~ameunt-of-fees-not-provided-fer-by-ordinance-shall-be-null-and~~
22 ~~void-after-June-30,-1984.)~~) as set forth in the policies and
23 procedures established in the K.C.C.

1 SECTION 6. Severability. Should any section, subsection,
2 paragraph, sentence, clause, or phrase of this ordinance be
3 declared unconstitutional or invalid for any reason, such
4 decision shall not affect the validity of the remaining portion
5 of this ordinance.

6 INTRODUCED AND READ for the first time this 11th day of
7 June, 1984.

8 PASSED this 18th day of June, 1984.

9 KING COUNTY COUNCIL
10 KING COUNTY, WASHINGTON

11 Gary Grant
12 Chairman

13 ATTEST:

14
15 Jane M. Owens
16 Clerk of the Council

17 APPROVED this 19th day of June, 1984.

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19 Randy Reed
20 King County Executive
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