



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

March 4, 2013

Ordinance 17535

Proposed No. 2013-0036.2

Sponsors Phillips

1 AN ORDINANCE enhancing King County council
2 involvement and oversight of community partnerships and
3 grants projects by adopting notice and approval
4 requirements for certain projects; and amending Ordinance
5 17392, Section 1, and K.C.C. 7.08.110.

STATEMENT OF FACTS:

- 7 1. In 2002, in response to a severe fiscal crisis, the King County council
8 passed Ordinance 14509 that directed the King County parks and
9 recreation division of the department of natural resources and parks to
10 change its way of doing business so that it could continue its operations
11 without general fund support.
- 12 2. One of the goals of Ordinance 14509 was to foster partnership to
13 develop parks facilities and amenities while minimizing the tax burden on
14 the residents of King County.
- 15 3. In 2003, the council adopted Motion 11680 approving program policies
16 and project selection guidelines for community partnership projects. Since
17 that time, more than forty partnership projects have been completed or are
18 in progress. The total value of new public recreation amenities is

19 estimated at fifty million dollars, with an investment from King County of
20 approximately fourteen million dollars.

21 4. In July 2012, the council passed Ordinance 17392, which required prior
22 council approval by ordinance of any privately funded improvement in a
23 King County park with a fair market value of more than fifty thousand
24 dollars. The ordinance further directed the parks and recreation division to
25 develop a report setting forth recommendations for modifications to
26 policies, procedures and code that implement the community partnership
27 and grant program, use agreements and permits for effectiveness and
28 transparency.

29 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

40 B. For any improvement or construction on parks and recreation division
41 property with an anticipated private investment of between ten thousand dollars and

42 ninety-nine thousand nine hundred ninety-nine dollars from a community partner group,
43 including in-kind contributions and volunteer hours, the division shall notify the chair of
44 the council's transportation, economy and environment committee or its successor as well
45 as the councilmember in whose district the project is located. The notice shall be
46 provided at least thirty days before the division enters into any contractual agreement
47 with the community partner group relating to this improvement. The notice may be
48 provided electronically and shall include at least the following:

- 49 1. A description of the project;
- 50 2. The project location;
- 51 3. Key anticipated milestones; and
- 52 4. The anticipated public and private investment.
- 53 5. Verification that the community partner group has agreed to execute a
54 contractual agreement that includes indemnification provisions as set forth in subsection
55 D. of this section.

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

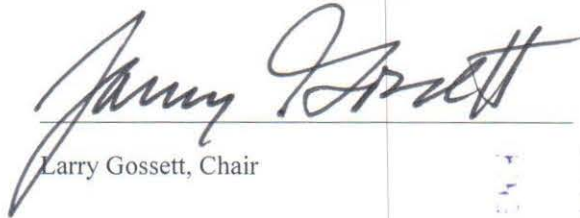
65 D. All contractual agreements shall include indemnification provisions that
66 ensure that community partners and their volunteers agree to indemnify and hold
67 harmless King County to the extent permitted under the law, for all claims, demands,
68 suits and judgments caused by and arising out of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

73 SECTION 2. The King County council hereby acknowledges receipt of the
74 attached Community Partnerships and Grants Program Report.
75

Ordinance 17535 was introduced on 1/22/2013 and passed by the Metropolitan King County Council on 3/4/2013, by the following vote:

Yes: 6 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Mr. Dunn,
Mr. McDermott and Mr. Dembowski
No: 0
Excused: 3 - Ms. Hague, Ms. Patterson and Ms. Lambert

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Larry Gossett, Chair

ATTEST:


Anne Noris, Clerk of the Council

APPROVED this 13 day of MARCH, 2013.


Dow Constantine, County Executive

Attachments: A. Community Partnerships and Grants Program Report

RECEIVED
2013 MAR 13 PM 2:38
CLERK
KING COUNTY COUNCIL

2013-036

**Community Partnerships and Grants Program
Report**

January 15, 2013

**Submitted by
Department of Natural Resources and Parks
Parks and Recreation Division**

Community Partnerships and Grants Program Report Recommendations for Enhanced Oversight and Input

SUMMARY

The Parks and Recreation Division (Division) of the Department of Natural Resources and Parks prepared this report in response to Ordinance 17392. Ordinance 17392 directed the Division to:

prepare a report setting forth recommendations for modifications to policies, procedures and code that implement the community partnerships and grant program, use agreements, and permits for effectiveness and transparency. The report should demonstrate how the proposed modifications sufficiently notify the council before any improvement or construction with a fair market value of fifty thousand dollars or more and funded by private contributions in a county park is initiated.

This report was prepared in consultation with King County Council staff following an evaluation of projects developed under the Community Partnerships and Grants (CPG) Program since its inception in 2003.

It is important for the King County Council, as the County's policy-making body to have an opportunity to evaluate and determine the appropriateness of improvements to parks and the terms and conditions under which they are constructed. The Division is committed to working closely with the King County Council and community partners to increase programmatic effectiveness and transparency while maximizing partnership opportunities.

To enhance Council oversight, this report recommends additional processes for notification and review, in addition to existing policies and oversight requirements. Because small projects generally involve limited impacts and few policy determinations, this report recommends two thresholds for notification and review. This will allow the Council to focus its resources primarily on evaluating projects of significance and broad public benefits, while providing the opportunity for enhanced oversight for smaller projects on a case-by-case basis.

As discussed in greater detail below, this report recommends the following:

1. **Small Project Notification.** For projects with an estimated private investment of between \$10,000 and \$99,999, the Council would receive notice at least 30 days prior to construction or any binding agreement for construction. These are typically small projects (e.g., a maintenance shed).
2. **Significant Project Notification and Approval by Ordinance.** For projects with an estimated private investment of \$100,000 or more, the projects would require Council approval by ordinance prior to the commencement of construction or any binding

commitment for construction, whichever is earlier. Most major projects, such as a ball field renovation, involve a private investment of substantially more than \$100,000.

BACKGROUND

The CPG program was developed in response to Council Ordinance 14509, passed in 2002, that directed the King County parks and recreation division to change its way of doing business so that it could continue its operations without general fund support. Ordinance 14509 directed that to the extent feasible, the Division should focus on:

developing or providing for the development of new active recreation facilities through leases, concessions or other arrangements, providing capital support for the new facilities as appropriate.

One of the goals of Ordinance 14509 was to foster partnerships to develop parks facilities and amenities while minimizing the tax burden on the residents of King County.

In 2003, the Council adopted Motion 11680 approving program policies and project selection guidelines for community partnership projects. The Council-approved policies cover a broad range of issues including project goals, partner selection criteria, ownership of improvements, labor, liability, and numerous other policies to guide the program.

The CPG Program is a public and private partnership initiative that empowers user groups, sports associations, recreation clubs, and other non-profit organizations to construct, develop, rehabilitate, program, or maintain new or enhanced public recreation facilities in a manner that adds public amenities while minimizing the need for general tax support.

Generally, CPG projects are constructed on parks property, and the Division provides capital improvement grants for the projects. In turn, community partners contribute the necessary additional capital and in-kind resources to develop the new or enhanced facility. The partners may also provide programming and assist with operations and maintenance. Community contributions to CPG projects may be in the form of volunteer hours, in-kind services, donated materials, funds raised from the community, or other resources.

The CPG Program has been very successful in leveraging the commitment, passion, and resources of community-based organizations to create and maintain public recreation opportunities for residents in King County. Since its inception in 2003, the CPG Program has supported more than 40 projects with a total value of \$50 million in public recreation amenities for an investment of approximately \$14 million from King County.

As the policy-making body for King County, it is important for the King County Council to have early notice of and an opportunity for appropriate evaluation and oversight of CPG projects and the terms and conditions for their development. To enhance the King County Council's oversight role, while remaining consistent with the Council's direction in Ordinance 14509 for the Division to be entrepreneurial, the Division recommends the following new processes and requirements.

RECOMMENDATIONS

1. Small Project Notification

For any projects constructed on parks property with a total anticipated private investment of \$10,000 to \$99,999, the Division will notify the chair of the Chair of the King County Transportation, Economy, and Environment Committee or its successor as well as the King County Councilmember of the council district where the CPG project is being proposed. Private investment includes cash, donated materials, as well as the value of volunteer hours.

The notice will be provided at least 30 days prior to the earlier of: 1) the commencement of construction or 2) any binding commitment for construction. The notice would include at least the following: a project description, the project location, key anticipated milestones, and the anticipated public and private investment.

Projects with an estimated total private investment of less than \$100,000 are typically small, relatively routine projects. A matrix of 2011 projects is attached to this report showing projects with a private investment of less than \$100,000 and \$100,000 or more, respectively. (As indicated above, private investment not only includes cash, but also includes the value of in-kind contributions and volunteer hours.)

Projects with estimated private investments of less than \$10,000 are not included in the recommended process, because those would be very small projects, and a community group could be expected to invest that amount of money in simply defining and refining a project. In other words, with a threshold of less than \$10,000, there is not likely to be a defined project for the Council to evaluate.

The projects listed on the matrix with a private investment of less than \$100,000 in 2011 were as follows: (Private investment indicated in parentheses.)

1. Replacement of two holes at a disk golf course (\$80,000)
2. Interpretive signs and minor improvements at Dockton Park (\$60,000)
3. Two picnic shelters at Habenicht Park (\$50,000)
4. Picnic shelter at Preston Park (\$40,000)
5. Maintenance shed at Preston Park (\$35,000)
6. Picnic shelter at Island Center Forest (\$20,000)

During the 30-day period, the Council could request more information, communicate concerns, or take any other courses of action it deemed appropriate. If no objections were raised with respect to these small projects, they would proceed following the end of the notice period.

2. Notice and Approval by Ordinance for Significant Projects

Projects with a total estimated private investment of \$100,000 or more would require Council approval by ordinance before the commencement of construction or any binding agreement regarding construction. This will allow the Council to have a full and thorough review of all

significant CPG projects before any construction occurs or binding construction commitments are made. The timing will, however, allow sufficient information-gathering, community involvement, and vetting at the Division level to ensure that a viable project has been proposed prior to seeking Council authorization.

CONCLUSION

The process recommended above builds on existing Council-approved policies and requirements to ensure that the Council is notified of any CPG project of consequence. The notice period is designed to allow the Council to seek more information, raise questions or concerns, or take other actions as it deems appropriate.

The recommendations further provide the Council with the opportunity to fully evaluate and approve through the ordinance process any significant CPG projects prior to their construction or and any binding commitments related to construction. This will allow the Council to ensure that these projects will best serve the public interest.

This balance of oversight and flexibility will enable the CPG program to thrive, obtain the benefit of early Council guidance, and provide important parks amenities while limiting the burden on our taxpayers.

Exhibit A - Matrix of 2011 Projects - Community Partnership Private Investment \$100K or More

2013-036

Council District	CPG Project Title	Community Partner	Location/KC Park	Type of Project	Community Partner Investment (cash, in-kind, volunteer)	Ordinance Approval Y/N
8	Bethaday Community Learning Space	Technology Access Foundation	Lakewood Park	New 20,000 sq. foot community center	\$12,000,000	Y
9	Ravensdale Park Ballfield and Community Park Improvements (Phase 2)	Ravensdale Park Foundation	Ravensdale Park	Proposed addition of Synthetic Ballfields (Multi-use x2) based on masterplan. Related infrastructure (Parking, restrooms, etc)	TBD	Y
3	SRA Boathouse	Samamish Rowing Association	Marymoor Park	New boathouse	\$3,350,000	Y
9	Ravensdale Park Ballfield and Community Park Improvements (Phase 1)	Ravensdale Park Foundation	Ravensdale Park	Synthetic Ballfields (Soccer x1) Synthetic Ballfield (Baseball x1) Community Meadow	\$600,000	Y
9	Petrovitsky Redevelopment	Kent Youth Soccer Assoc.	Petrovitsky	Synthetic Ballfield (Soccer x 2)	\$1,750,000	Y
6	Big Fill Hill Redevelopment	Kirkland Lacrosse	Big Finn Hil	Synthetic Ballfield (Multi-Use)	\$1,800,000	Y
3	Redmond Ridge Synthetic Redevelopment - Phase 2	Redmond North Little League	Redmond Ridge Park	TBD - Proposing Synthetic Ballfield (Multi-use)	TBD - ~\$1M	Y
3	Preston Phase 2	Eastside Football Club	Preston Park	Phase 2 Synthetic Warm-up Mod Fields	\$600,000	Y
3	Dodd Field Synthetic Resurfacing (Supplementary project for Preston Ballfield CPG to mitigate lack of synthetic baseball field at Preston)	Issaquah Little League	Dodd Fields (Issaquah School District site)	Synthetic Ballfield (Baseball x2)	\$200,000	Y
3	Redmond Ridge Synthetic Redevelopment - Phase 1	Redmond North Little League	Redmond Ridge Park	TBD - Proposing Synthetic infield for existing Baseball field	\$200,000	Y
8	Island Center Forest Equestrian Trailhead, Parking and Trail Development	Vashon Forest Stewards	Island Center Forest	Trailhead development and Parking	\$140,000	Y
3	Hollywood Hills Equestrian Facility Redevelopment	Hollywood Hills Saddle Club	Hollywood Hills Park and Equestrian Facility	Equestrian facility upgrade	\$140,000	Y

Exhibit B - Matrix of 2011 Projects - Community Partnership Private Investment Less Than \$100K

Council District	CPG Project Title	Community Partner	Location/KC Park	Type of Project	Community Partner Investment (cash, in-kind, volunteer)	Ordinance Approval Y/N
8	Lakewood Disc Golf Redevelopment <i>(Mitigation for holes dislocated by TAF Community Center footprint)</i>	Discovering Open Spaces	Lakewood Park	Disc Golf Course redevelopment (replace two holes)	\$80,000	N
9	Habenicht Park Redevelopment	Maple Valley Rotary Club	Habenicht Park	Standard picnic shelters (2)	\$50,000	N
8	Dockton Park Redevelopment	Friends of Dockton Park and Vashon-Maury Heritage Association	Dockton Park	Interpretive signs, bell tower, minor improvements	\$60,000	N
8	Island Center Forest Equestrian Trailhead Picnic shelter	Vashon Forest Stewards	Island Center Forest	Standard forest picnic shelter	\$20,000	N
3	Preston Picnic Shelter	Preston Community Club	Preston Park	Standard picnic shelter	\$40,000	N
3	Preston Maintenance Building	Eastside Football Club	Preston Park	Maintenance shed	\$35,000	N