



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

April 18, 2018

Ordinance 18712

Proposed No. 2018-0136.3

Sponsors von Reichbauer

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

5 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

14 2. If during the fiscal period the executive determines that revenues will be less
15 than the expenditure amounts included in the appropriations ordinance, the executive
16 shall revise the expenditures of departments or agencies funded from those revenue
17 sources to prevent the making of expenditures in excess of revenues. If the executive
18 determines that the fund has unrestricted reserves, the executive may use these reserves to
19 avoid making expenditure reductions; however, the use of reserves may not reduce the

20 fund balances below target reserve amounts. If the use of reserves exceeds five percent
21 of the total appropriation, the council shall be notified in the quarterly management and
22 budget report. An expenditure shall not be made from any portion of an appropriation
23 that has been assigned to a reserve status except as provided in this section.

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

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

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

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

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

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

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

42 b. the contract commits the county to expend funds beyond the biennium and

43 the council, at the request of the executive, adopts an ordinance permitting the county to
44 enter into the contract;

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

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

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

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

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

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

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

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

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

80 SECTION 2. Until all leases or licenses or extensions of a lease or license for the
81 possession or use of real property by the county entered into for the purpose of
82 implementing the Puget Sound emergency radio network project as described in
83 Ordinance 17993 and approved by the voters at the election held on April 28, 2015, are
84 executed, the executive shall transmit letters no less than quarterly that include a brief
85 description of the sites to be leased or licensed and the key terms of the site lease or
86 license, as well as the anticipated date of execution for each of these Puget Sound
87 emergency radio network leases or licenses or extensions of a lease or license. The
88 executive shall file the letters in the form of a paper original and an electronic copy with

89 the clerk of the council, who shall retain the original and provide an electronic copy to all
90 councilmembers, the council chief of staff and the lead staff for the budget and fiscal
91 management committee, or its successor.
92

Ordinance 18712 was introduced on 2/26/2018 and passed as amended by the Metropolitan King County Council on 4/16/2018, by the following vote:

Yes: 8 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles and Ms. Balducci
No: 0
Excused: 1 - Mr. Dunn

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



J. Joseph McDermott, Chair

ATTEST:



Melani Pedroza, Clerk of the Council



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CLERK
KING COUNTY COUNCIL

APPROVED this 18 day of APRIL, 2018.



Dow Constantine, County Executive

Attachments: None