



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19570

Proposed No. 2023-0002.1

Sponsors Balducci

1 AN ORDINANCE related to the retired passenger van
2 program; and amending Ordinance 12045, Section 10, as
3 amended, and K.C.C. 4.56.100.

4 **STATEMENT OF FACTS:**

5 1. Each year, the King County council provides retired passenger vans
6 from the Metro transit department's vanpool program to nonprofit
7 organizations or local governments to help meet the mobility needs of
8 low-income, seniors or young people or people with disabilities.

9 2. The King County Code requires that agencies selected to receive a van
10 must demonstrate "specific plans for use of the van to transport low-
11 income, seniors or young people or people with disabilities."

12 3. In 2021, in recognition of the safety consequences of transporting
13 people in passenger vans during the pandemic emergency and to facilitate
14 organizations' ability to reduce single occupancy vehicle travel and meet
15 the needs of low-income, seniors or young people or people with
16 disabilities by transporting goods and supplies to them rather than
17 transporting them directly, Ordinance 19241 was enacted, which provided
18 flexibility in the use of retired passenger vans for the duration of the
19 declared pandemic emergency.

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20 4. That added flexibility has value beyond the pandemic emergency, by
21 providing nonprofit organizations and local governments more tools to
22 meet the needs of low-income, seniors or young people or people with
23 disabilities. Allowing continued flexibility with the use of vans granted by
24 the council will facilitate organizations' ability to reduce single occupancy
25 vehicle travel while meeting the needs of low-income, seniors or young
26 people or people with disabilities by transporting goods and supplies to
27 them or by transporting them directly.

28 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

29 SECTION 1. Ordinance 12045, Section 10, as amended, and K.C.C. 4.56.100 are
30 each hereby amended to read as follows:

31 A. All sales of real and personal property shall be made to the highest responsible
32 bidder at public auction or by sealed bid except when:

33 1. County property is sold to a governmental agency;
34 2. The county executive has determined an emergency to exist; or the county
35 council, by ordinance, has determined that unique circumstances make a negotiated direct
36 sale in the best interests of the public;

37 3. County real property is traded for real property of similar value, or when
38 county personal property is traded for personal property of similar value;

39 4. The facilities management division has determined that the county will
40 receive a greater return on real property when it is listed and sold through a residential or
41 commercial real estate listing service;

42 5. County personal property is traded in on the purchase of another article;

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43 6. Property has been obtained by the county through the proceeds of grants or
44 other special purpose funding from the federal or state government, wherein a specific
45 public purpose or purposes are set forth as a condition of use for the property, that
46 purpose or purposes to be limited to the provision of social and health services or social
47 and health service facilities as defined in chapter 43.83D RCW, and it is deemed to be in
48 the best interest of the county, in each instance, upon recommendation by the county
49 executive and approval by the county council, that in order to fulfill the condition of use,
50 the county may sell or otherwise convey the property in some other manner consistent
51 with the condition of use; however, the county may only convey the property to private,
52 nonprofit corporations duly organized according to the laws of the state of Washington,
53 which nonprofit corporations are exempt from taxation under 26 U.S.C. Sec. 501(c) as
54 amended, and which nonprofit corporations are organized for the purpose of operating
55 social and health service facilities as defined by chapter 43.83D RCW;

56 7. The county property is sold for on-site development of affordable housing
57 which provides a public benefit, provided that the developer has been selected through a
58 request for proposals;

59 8. It is deemed to be in the public interest to restrict the use of the project for
60 provision of social or health services or such other public purposes as the county deems
61 appropriate;

62 9. The facilities management division for real property and the fleet services
63 division for personal property, in consultation with the county executive and the county
64 council, may, in the best interests of the county, donate or negotiate the sale of either
65 county surplus personal property or real property, or both, with bona fide nonprofit

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66 organizations wherein the nonprofit organizations provide services to the poor and infirm
67 or with other governmental agencies with whom reciprocal agreements exist. Such
68 transactions shall be exempt from the requirements of fair market value, appraisal and
69 public notice. Where a department has identified personal property that is appropriate for
70 surplusing to nonprofit organizations, the department shall utilize the fleet services
71 division to manage the surplusing process, and the fleet services division shall ensure that
72 the personal property is in good working order, that county data and inventory tags are
73 removed and that consistent records of donations and sales are retained. The facilities
74 management division or fleet services division, as applicable, also may, in the best
75 interest of the county, procure services to support King County in lieu of payment with
76 nonprofit organizations who provide services that will benefit the public. Such
77 transactions are based upon the recommendation of the facilities management division or
78 fleet services division, as applicable, and the department having custodianship of the
79 property. The facilities management division or fleet services division, as applicable,
80 shall maintain a file of appropriate correspondence or such information that leads to a
81 recommendation by the division to the county executive and the county council to
82 undertake such transactions, and such information shall be available for public inspection
83 at the facilities management division or fleet services division, as applicable. The
84 facilities management division or fleet services division, as applicable, may also seek
85 reimbursement from the benefiting organization for the administrative costs of processing
86 the surplus property;

87 10. The county property is a retired passenger van being made available in
88 accordance with subsection E. of this section;

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89 11. The county property is located in a historic preservation district within the
90 Urban Growth Area and is sold to a nonprofit corporation or governmental entity for one-
91 site mixed use development consistent with historic preservation requirements, which
92 includes affordable housing and which may also include market rate housing, retail or
93 other uses, and which is selected after a competitive request for proposal process; or

94 12.a. The county property is declared surplus to the future foreseeable needs of
95 the county and sold to a governmental agency that will, consistent with Section 230.10.10
96 of the King County Charter, other applicable laws, regulations and contract restrictions,
97 such as grant funding requirements, compensate the county for the real property as well
98 as provide public benefits. For the purposes of this subsection, “public benefits” means
99 benefits to the public that are in addition to the public benefit that may arise from the
100 primary intended use of the property by the purchasing governmental agency and which
101 may include, but are not limited to, the provision of affordable housing, open space or
102 park land, child care facilities, public art beyond what is required under applicable law, or
103 monetary contribution toward such benefits.

104 b. A sale shall not qualify under the exception in K.C.C. 4.56.100.A.12.a.
105 unless:

106 (1) before declaring the property surplus to the future foreseeable needs of the
107 county under K.C.C. 4.56.070, because the property is neither necessary for the essential
108 government services of any other county department nor needed by any other county
109 department, the facilities management division must have recommended to the executive
110 that engaging in a negotiated direct sale with that governmental agency would be in the
111 best interests of the public; and

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112 (2) within sixty days of the facilities management division making its
113 recommendation, the executive shall report by letter the executive's intent to engage in
114 the direct negotiation for the conveyance of the real property. The letter shall describe
115 the proposed terms of the sale, including, but not limited to, the primary intended use of
116 the property proposed by the governmental agency and the public benefits expected to be
117 provided by the governmental agency. The letter shall be filed in the form of a paper
118 original and an electronic copy with the clerk of the council, who shall retain the original
119 and provide an electronic copy to all councilmembers and the lead staff to the budget and
120 fiscal management committee or its successor.

121 B. The county may, if it deems such action to be for the best public interest,
122 reject any and all bids, either written or oral, and withdraw the property from sale. The
123 county may then renegotiate the sale of withdrawn property, providing the negotiated
124 price is higher than the highest rejected bid.

125 C. In any conveyance of real property that requires construction of affordable
126 housing in development of the property, the executive shall include covenants so that:

127 1. At least with respect to that construction, the prevailing rate of wage, as
128 defined in RCW 39.12.010, shall be required to be paid to all worker classifications for
129 which the state Department of Labor and Industries has established a prevailing rate of
130 wage; and

131 2. At least with respect to that construction, state-certified apprentices for
132 construction shall be required to be used across the trades, including women, at-risk
133 youth or people of color, with a fifteen percent apprentice utilization goal.

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134 D. Whenever the procedures of a grant agency having an interest in real or
135 personal property requires disposition in a manner different from the procedures set forth
136 in this chapter, the property shall be disposed of in accordance with the procedures
137 required by this chapter unless the grant agency specifically requires otherwise.

138 E. Each year, the Metro transit department shall make available retired passenger
139 vans for exclusive use by nonprofit organizations or local governments that are able to
140 address the mobility needs of low-income, seniors or young people or people with
141 disabilities. Each agency selected to receive a van must enter into an agreement with
142 King County that provides that the agency will accept the van "as is" without guarantee
143 or warranty expressed or implied and shall transfer title as prescribed by law before use.
144 The council shall allocate the vans by motion to nonprofit organizations or local
145 governments based upon the following criteria:

- 146 1. Demonstrated capacity to support ongoing van operation, including assured
147 funding for licensing, insuring, fueling and maintaining the van;
- 148 2. Ability to provide qualified and trained drivers;
- 149 3. Specific plans for use of the van to transport low-income, seniors or young
150 people or people with disabilities, and assurance that the use shall be available to those
151 persons without regard to affiliation with any particular organization. ~~((For the duration
152 of the public emergency declared by the executive in response to the coronavirus disease
153 2019, +))~~The specific plans may also include use of the van to transport goods or supplies,
154 including, but not limited to, food, clothing, school supplies or medical equipment, to
155 serve the needs of low-income, seniors or young people or people with disabilities;
- 156 4. Geographic distribution of the van allocations in order to address the mobility

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157 needs of low-income, seniors or young people or people with disabilities countywide; and

158 5. Ability to support the county's public transportation function by: reducing

159 single occupancy vehicle trips, pollution and traffic congestion; supplementing services

160 provided by the county's paratransit system((;); increasing the mobility for the transit-

161 dependent for whom regular transit might not always be a convenient option; and((;

162 ~~during the public emergency declared by the executive in response to the coronavirus~~

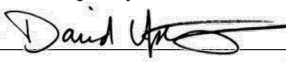
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- 163 ~~disease 2019,)~~ transporting needed goods and supplies ((~~to~~)) for low-income, seniors or
164 young people or people with disabilities.

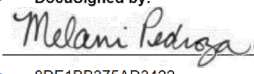
Ordinance 19570 was introduced on 1/10/2023 and passed by the Metropolitan King County Council on 1/24/2023, by the following vote:

Yes: 9 - Balducci, Dembowski, Dunn, Kohl-Welles, Perry, McDermott, Upthegrove, von Reichbauer and Zahilay

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

DocuSigned by:

E76CE01F07B14EF...
Dave Upthegrove, Chair

ATTEST:

DocuSigned by:

8DE1BB375AD3422...
Melani Pedroza, Clerk of the Council

APPROVED this _____ day of 1/31/2023, _____.

DocuSigned by:

4FBCAB8196AE4C6...
Dow Constantine, County Executive

Attachments: None

Certificate Of Completion

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Certificate Pages: 5	Initials: 0
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Envelopeld Stamping: Enabled	Cherie Camp
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	401 5TH AVE
	SEATTLE, WA 98104
	Cherie.Camp@kingcounty.gov
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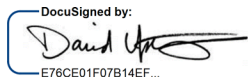
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Signer Events

Dave Upthegrove
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Chair
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Melani Pedroza
melani.pedroza@kingcounty.gov
Clerk of the Council
King County Council
Security Level: Email, Account Authentication (None)

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King County Executive
Security Level: Email, Account Authentication (None)

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Kaitlyn Wiggins kwiggins@kingcounty.gov Executive Legislative Coordinator King County Executive Office Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign	<div style="border: 2px solid blue; padding: 5px; display: inline-block;">COPIED</div>	Sent: 1/26/2023 10:05:32 AM Viewed: 1/27/2023 8:05:41 AM
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Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure
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