



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

May 9, 2011

Ordinance 17085

Proposed No. 2011-0107.2

Sponsors Phillips

1 AN ORDINANCE relating to environmentally preferable
2 computer and electronics recycling, amending Ordinance
3 12045, Section 10, as amended, and K.C.C. 4.56.100 and
4 Ordinance 9240, Section 18, as amended, and K.C.C.
5 10.16.180, adding a new section to K.C.C. chapter 4.56 and
6 adding a new section to K.C.C. chapter 10.16.

7 **STATEMENT OF FACTS:**

- 8 1. Computer systems and monitors contain toxic metals such as lead,
9 cadmium, mercury and bromated flame retardants. Heavy metals can
10 cause damage to humans and animals at very low concentrations and tend
11 to accumulate in the food chain.
- 12 2. Recycling electronic equipment conserves resources and keeps toxic
13 materials out of the landfill. Glass, plastic and metals can be recycled and
14 used again in other products. Many of the heavy metals can also be
15 recycled and safely reused, which can reduce the environmental impacts
16 and worker safety risks of mining for virgin metals.
- 17 3. Currently there are no local or federal regulations that prohibit the
18 export to developing nations of toxic materials and wastes generated from

19 unwanted electronic equipment such as computers, televisions and
20 printers.

21 4. Many developing nations have no environmental or worker safety
22 protections and are not prepared to safely disassemble, process and recycle
23 or dispose of the hazardous elements contained in electronic equipment.

24 5. King County has a policy interest in recycling electronic equipment in
25 compliance with standards that will prevent the trade of toxic wastes,
26 ensure national self-sufficiency in waste management through clean
27 production, reduce toxic materials use and support the principles of global
28 environmental justice. Currently, one such set of principles has been
29 adopted by a Seattle-based nonprofit organization, the Basel Action
30 Network. These principles are known as the e-Stewards Standard for
31 Responsible Recycling and Reuse of Electronic Equipment. Other
32 comparable standards may be developed and issued by other organizations
33 and could be used to implement the policy interest stated in this
34 subsection.

35 6. Computers, monitors, televisions and cell phones are prohibited from
36 disposal in King County.

37 7. King County agencies recycled more than ninety thousand pounds of
38 computer and electronic equipment in 2010. The material was recycled by
39 a contractor that meets the principles of the Basel Action Network e-
40 Stewards Standard for Responsible Recycling and Reuse of Electronic
41 Equipment.

42 8. The benefits of meeting these principles include safe on-site handling
43 of hazardous materials; workplace toxins monitoring; and accountability
44 for the entire downstream recycling chain for the toxic materials.

45 9. King County departments are not currently prohibited from recycling
46 computers and electronic equipment with contractors that do not meet
47 these principles.

48 10. Current requirements for public auction of used King County
49 equipment do not specifically require that electronic equipment must be
50 functioning and in good working order to be auctioned, creating the
51 potential for nonworking equipment to be disposed of or recycled
52 improperly.

53 11. Ensuring environmentally responsible recycling of electronic
54 equipment is consistent with the King County Strategic Plan, namely: the
55 objectives to monitor and improve environmental quality and reduce
56 exposure to hazardous materials; promoting desirable environmental
57 practices by individuals and businesses; and minimizing the county's
58 operational environmental footprint.

59 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

60 NEW SECTION. SECTION 1. There is hereby added to K.C.C. chapter 4.56 a
61 new section to read as follows:

62 In any sale by the county of electronic equipment, including, but not limited to,
63 monitors, televisions, central processing units, circuit boards, power supplies, laptop
64 computers, peripherals, video cassette recorders, digital video discs, cables, keyboards,

65 mice, fax machines, printers, cell phones, telephones and stereos, the equipment shall be
66 functioning and in good working order.

67 NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 10.16 a
68 new section to read as follows:

69 A. Departments shall use recyclers that meet the Basel Action Network e-
70 Stewards Standard for Responsible Recycling and Reuse of Electronic Equipment or
71 comparable standard for all their nonworking computer and electronic equipment. These
72 standards must include, but are not limited to:

73 1. Demonstrating that no hazardous e-waste is exported to a country that is not a
74 member of the Organisation for Economic Cooperation and Development for
75 refurbishment or recycling;

76 2. No prison or child labor are used in the recycling process;

77 3. Safe on-site handling of hazardous e-waste and monitoring of workplace
78 toxins; accountability for the entirety of toxic materials throughout the downstream
79 recycling chain; and

80 4. Provision of site-closure plans for those sites associated with recycling
81 processes where potentially hazardous processing technologies have been used.

82 B. For the purposes of this section, computers and electronic equipment includes,
83 but is not limited to, monitors, televisions, central processing units, circuit boards, power
84 supplies, laptop computers, peripherals, video cassette recorders, digital video discs,
85 cables, keyboards, mice, fax machines, printers, cell phones, telephones and stereos.

86 C. The procurement and contract services section of the department of executive
87 services will ensure that an electronics recycling contract is available for all King County

88 agencies to use. In preparing such an electronics recycling contract, the procurement and
89 contract services section shall assure that standards other than the e-Stewards standards
90 used by recyclers have been determined by the solid waste division of the department of
91 natural resources and parks to be comparable.

92 SECTION 3. Ordinance 12045, Section 10, as amended, and K.C.C. 4.56.100 are
93 each hereby amended to read as follows:

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

96 1. County property is sold to a governmental agency;

97 2. The county executive has determined an emergency to exist; or the county
98 council, by ordinance, has determined that unique circumstances make a negotiated direct
99 sale in the best interests of the public;

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

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

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

106 6. Property has been obtained by the county through the proceeds of grants or
107 other special purpose funding from the federal or state government, wherein a specific
108 public purpose or purposes are set forth as a condition of use for the property, that
109 purpose or purposes to be limited to the provision of social and health services or social
110 and health service facilities as defined in chapter 43.83D RCW, and it is deemed to be in

111 the best interest of the county, in each instance, upon recommendation by the county
112 executive and approval by the county council, that in order to fulfill the condition of use,
113 the county may sell or otherwise convey the property in some other manner consistent
114 with the condition of use(~~(; provided that in the event such property is conveyed pursuant~~
115 ~~to the provisions of this subdivision, the conveyee or conveyees shall be limited))
116 however, the county may only convey the property to private, nonprofit corporations duly
117 organized according to the laws of the state of Washington, which nonprofit corporations
118 are exempt from taxation under 26 U.S.C. Sec. 501(c) as amended, and which nonprofit
119 corporations are organized for the purpose of operating social and health service facilities
120 as defined by chapter 43.83D RCW;~~

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

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

127 9. The facilities management division for real property and the fleet
128 administration division for personal property, in consultation with the county executive
129 and the county council, may, in the best interests of the county, donate or negotiate the
130 sale of either county surplus personal property or real property, or both, with bona fide
131 nonprofit organizations wherein the nonprofit organizations provide services to the poor
132 and infirm or with other governmental agencies with whom reciprocal agreements exist.
133 Such transactions (~~(will))~~ shall be exempt from the requirements of fair market value,

134 appraisal, and public notice. Where a department has identified personal property that is
135 appropriate for surplus to nonprofit organizations, the department shall utilize the fleet
136 administration division to manage the surplus process, and fleet administration shall
137 ensure that the personal property is in good working order, that county data and inventory
138 tags are removed and that consistent records of donations and sales are retained. The
139 facilities management division or fleet administration division, as applicable, also may, in
140 the best interest of the county, procure services to support King County in lieu of
141 payment with nonprofit organizations who provide services (~~which~~) that will benefit the
142 public. Such transactions are based upon the recommendation of the facilities
143 management division or fleet administration division, as applicable, and the department
144 having custodianship of the property. The facilities management division or fleet
145 administration division, as applicable, shall maintain a file of appropriate correspondence
146 or such information which leads to a recommendation by the division to the county
147 executive and the county council to undertake such transactions, and such information
148 shall be available for public inspection at the facilities management division or fleet
149 administration division, as applicable. The facilities management division or fleet
150 administration division, as applicable, may also seek reimbursement from the benefiting
151 organization for the administrative costs of processing the surplus property;

152 10. The county property is a retired passenger van being made available in
153 accordance with subsection D. of this section; or

154 11. The county property is located in a historic preservation district within the
155 Urban Growth Area and is sold to a nonprofit corporation or governmental entity for one-
156 site mixed use development consistent with historic preservation requirements, which

157 includes affordable housing and which may also include market rate housing, retail or
158 other uses, and which is selected after a competitive request for proposal process.

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

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

165 1. At least with respect to that construction, the prevailing rate of wage, as
166 defined in RCW 39.12.010, ~~((will))~~ shall be required to be paid to all worker
167 classifications for which the state Department of Labor and Industries has established a
168 prevailing rate of wage; and

169 2. At least with respect to that construction, state-certified apprentices for
170 construction ~~((will))~~ shall be required to be used across the trades, including women, at-
171 risk youth or people of color, with a fifteen percent apprentice utilization goal.

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

176 E. Each year, the transit division shall make available retired passenger vans for
177 exclusive use by nonprofit organizations or local governments that are able to address the
178 mobility needs of low-income, elderly or young people or people with disabilities. Each
179 agency selected to receive a van must enter into an agreement with King County that

180 provides that the agency will accept the van "as is" without guarantee or warranty
181 expressed or implied and shall transfer title as prescribed by law before use. The council
182 shall allocate the vans by motion to nonprofit organizations or local governments based
183 upon the following criteria:

- 184 1. Demonstrated capacity to support ongoing van operation, including assured
185 funding for licensing, insuring, fueling and maintaining the van;
- 186 2. Ability to provide qualified and trained drivers;
- 187 3. Specific plans for use of the van to transport low-income, elderly or young
188 people or people with disabilities, and assurance that the use shall be available to those
189 persons without regard to affiliation with any particular organization;
- 190 4. Geographic distribution of the van allocations in order to address the mobility
191 needs of low-income, elderly or young people or people with disabilities countywide; and
- 192 5. Ability to support county's public transportation function by reducing single
193 occupancy vehicle trips, pollution and traffic congestion; supplementing services
194 provided by the county's paratransit system and increasing the mobility for the transit-
195 dependent for whom regular transit might not always be a convenient option.

196 SECTION 4. Ordinance 9240, Section 18, as amended, and K.C.C. 10.16.180 are
197 each hereby amended to read as follows:

198 The procurement and contract services section is responsible for:

- 199 A. Assigning appropriate personnel to fulfill the requirements of this policy;
- 200 B. Preparing or revising bid documents and contract language where necessary to
201 implement this chapter;

202 C. Researching opportunities for procurement of recycled and other
203 environmentally preferable products and communicating these to appropriate county
204 departments for evaluation and purchase;

205 D. Collecting data on purchases by departments of recycled and other
206 environmentally preferable products; and

207 E. Preparing and submitting a report to the solid waste division each year by
208 March 31, describing the progress of departments in implementation of the environmental
209 purchasing policy, including the following elements:

210 1. Quantities, costs and types of recycled and other environmentally preferable
211 products purchased, and quantities of computers and electronics recycled;

212 2. A summary of savings achieved through the purchase of recycled and other
213 environmentally preferable products;

- 214 3. A summary of program promotional efforts; and
- 215 4. Recommendations for changes in procurement policies.
- 216

Ordinance 17085 was introduced on 2/28/2011 and passed by the Metropolitan King County Council on 5/9/2011, by the following vote:

Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,
 Ms. Patterson, Ms. Lambert, Mr. Ferguson, Mr. Dunn and Mr.
 McDermott
 No: 0
 Excused: 0

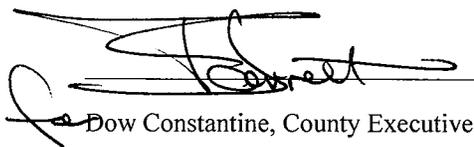
KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


 Larry Gossett, Chair

ATTEST:


 Anne Noris, Clerk of the Council

APPROVED this 10th day of may, 2011.


 Dow Constantine, County Executive

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 KING COUNTY COUNCIL

Attachments: None