



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19241

Proposed No. 2021-0090.2

Sponsors Kohl-Welles and von Reichbauer

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. K.C.C. 4.56.100 requires that agencies selected to receive a van must
 10 demonstrate "specific plans for use of the van to transport low-income,
 11 seniors or young people or people with disabilities."

12 3. On January 30, 2020, the World Health Organization declared that
 13 coronavirus disease 2019 constituted a public health emergency of
 14 international concern, the highest level of alarm.

15 4. On February 29, 2020, Washington Governor Jay Inslee issued
 16 proclamation 20-05, proclaiming a state of emergency for all counties
 17 throughout the state of Washington in response to new cases of
 18 coronavirus disease 2019, and directing state agencies to use all resources
 19 necessary to prepare for and respond to the outbreak.

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20 5. On March 1, 2020, King County executive Dow Constantine issued a
21 proclamation of emergency enabling extraordinary measures to respond to
22 the coronavirus disease 2019 pandemic. On March 3, 2020, the King
23 County council passed Motion 15610, affirming the proclamation of
24 emergency.

25 6. Following guidance from local, state and national public health
26 agencies regarding safety during the coronavirus disease 2019 emergency,
27 many agencies and organizations that serve the needs of low-income,
28 seniors or young people or people with disabilities have temporarily
29 transformed their services from in-person to virtual in format and have
30 dedicated themselves to delivering goods and supplies, such as food,
31 school supplies, medical equipment and other supplies, to people in need,
32 rather than transporting people directly.

33 7. In recognition of the safety consequences of transporting people in
34 passenger vans during the coronavirus disease 2019 emergency and to
35 facilitate organizations' ability to reduce single occupancy vehicle travel
36 and meet the needs of low-income, seniors or young people or people with
37 disabilities by transporting goods and supplies to them rather than
38 transporting them directly, providing flexibility in the use of retired
39 passenger vans for the duration of the declared coronavirus disease 2019
40 emergency is in the best interest of the public.

41 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

42 SECTION 1. Ordinance 12045, Section 10, as amended, and K.C.C. 4.56.100 are

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43 each hereby amended to read as follows:

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

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

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

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

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

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

56 6. Property has been obtained by the county through the proceeds of grants or
57 other special purpose funding from the federal or state government, wherein a specific
58 public purpose or purposes are set forth as a condition of use for the property, that
59 purpose or purposes to be limited to the provision of social and health services or social
60 and health service facilities as defined in chapter 43.83D RCW, and it is deemed to be in
61 the best interest of the county, in each instance, upon recommendation by the county
62 executive and approval by the county council, that in order to fulfill the condition of use,
63 the county may sell or otherwise convey the property in some other manner consistent
64 with the condition of use; however, the county may only convey the property to private,
65 nonprofit corporations duly organized according to the laws of the state of Washington,

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66 which nonprofit corporations are exempt from taxation under 26 U.S.C. Sec. 501(c) as
67 amended, and which nonprofit corporations are organized for the purpose of operating
68 social and health service facilities as defined by chapter 43.83D RCW;

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

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

75 9. The facilities management division for real property and the fleet services
76 division for personal property, in consultation with the county executive and the county
77 council, may, in the best interests of the county, donate or negotiate the sale of either
78 county surplus personal property or real property, or both, with bona fide nonprofit
79 organizations wherein the nonprofit organizations provide services to the poor and infirm
80 or with other governmental agencies with whom reciprocal agreements exist. Such
81 transactions shall be exempt from the requirements of fair market value, appraisal and
82 public notice. Where a department has identified personal property that is appropriate for
83 surplus to nonprofit organizations, the department shall utilize the fleet services
84 division to manage the surplus process, and the fleet services division shall ensure that
85 the personal property is in good working order, that county data and inventory tags are
86 removed and that consistent records of donations and sales are retained. The facilities
87 management division or fleet services division, as applicable, also may, in the best
88 interest of the county, procure services to support King County in lieu of payment with

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89 nonprofit organizations who provide services that will benefit the public. Such
90 transactions are based upon the recommendation of the facilities management division or
91 fleet services division, as applicable, and the department having custodianship of the
92 property. The facilities management division or fleet services division, as applicable,
93 shall maintain a file of appropriate correspondence or such information that leads to a
94 recommendation by the division to the county executive and the county council to
95 undertake such transactions, and such information shall be available for public inspection
96 at the facilities management division or fleet services division, as applicable. The
97 facilities management division or fleet services division, as applicable, may also seek
98 reimbursement from the benefiting organization for the administrative costs of processing
99 the surplus property;

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

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

107 12.a. The county property is declared surplus to the future foreseeable needs of
108 the county and sold to a governmental agency that will, consistent with Section 230.10.10
109 of the King County Charter, other applicable laws, regulations and contract restrictions,
110 such as grant funding requirements, compensate the county for the real property as well
111 as provide public benefits. For the purposes of this subsection, “public benefits” means

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112 benefits to the public that are in addition to the public benefit that may arise from the
113 primary intended use of the property by the purchasing governmental agency and which
114 may include, but are not limited to, the provision of affordable housing, open space or
115 park land, child care facilities, public art beyond what is required under applicable law, or
116 monetary contribution toward such benefits.

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

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

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

134 ~~((e. Subsection A.12.b of this section shall apply beginning January 1, 2018.))~~

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

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

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

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

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

152 E. Each year, the Metro transit department shall make available retired passenger
153 vans for exclusive use by nonprofit organizations or local governments that are able to
154 address the mobility needs of low-income, (~~elderly~~) seniors or young people or people
155 with disabilities. Each agency selected to receive a van must enter into an agreement
156 with King County that provides that the agency will accept the van "as is" without
157 guarantee or warranty expressed or implied and shall transfer title as prescribed by law

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158 before use. The council shall allocate the vans by motion to nonprofit organizations or
159 local governments based upon the following criteria:

- 160 1. Demonstrated capacity to support ongoing van operation, including assured
161 funding for licensing, insuring, fueling and maintaining the van;
- 162 2. Ability to provide qualified and trained drivers;
- 163 3. Specific plans for use of the van to transport low-income, ~~((elderly))~~ seniors
164 or young people or people with disabilities, and assurance that the use shall be available
165 to those persons without regard to affiliation with any particular organization. For the
166 duration of the public emergency declared by the executive in response to the coronavirus
167 disease 2019, the specific plans may also include use of the van to transport goods or
168 supplies, including, but not limited to, food, clothing, school supplies or medical
169 equipment, to serve the needs of low-income, seniors or young people or people with
170 disabilities;
- 171 4. Geographic distribution of the van allocations in order to address the mobility
172 needs of low-income, ~~((elderly))~~ seniors or young people or people with disabilities
173 countywide; and
- 174 5. Ability to support county's public transportation function by reducing single
175 occupancy vehicle trips, pollution and traffic congestion; supplementing services
176 provided by the county's paratransit system, ~~((and))~~ increasing the mobility for the
177 transit-dependent for whom regular transit might not always be a convenient option and,
178 during the public emergency declared by the executive in response to the coronavirus

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179 disease 2019, transporting needed goods and supplies to for low-income, seniors or
180 young people or people with disabilities.
181

Ordinance 19241 was introduced on 2/16/2021 and passed as amended by the Metropolitan King County Council on 3/2/2021, by the following vote:

Yes: 9 - Ms. Balducci, Mr. Dembowski, Mr. Dunn, Ms. Kohl-Welles, Ms. Lambert, Mr. McDermott, Mr. Upthegrove, Mr. von Reichbauer and Mr. Zahilay

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

DocuSigned by:
Claudia Balducci
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Claudia Balducci, Chair

ATTEST:

DocuSigned by:
Melani Pedroza
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Melani Pedroza, Clerk of the Council

APPROVED this _____ day of 3/19/2021, _____.

DocuSigned by:
Dow Constantine
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Dow Constantine, County Executive

Attachments: None

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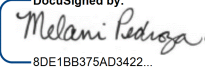
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Operating Systems:	Windows® 2000, Windows® XP, Windows Vista®; Mac OS® X
Browsers:	Final release versions of Internet Explorer® 6.0 or above (Windows only); Mozilla Firefox 2.0 or above (Windows and Mac); Safari™ 3.0 or above (Mac only)
PDF Reader:	Acrobat® or similar software may be required to view and print PDF files
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