



King County

# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

September 15, 2009

### Ordinance 16659

**Proposed No.** 2009-0450.1

**Sponsors** Phillips, Constantine and Gossett

1 AN ORDINANCE requiring fair labor practices in  
 2 development of affordable housing by developers  
 3 purchasing real property from the county; and amending  
 4 Ordinance 12045, Section 10, as amended, and K.C.C.  
 5 4.56.100.

6

7 PREAMBLE:

8 King County has as its top priorities the protection of public health, safety,  
 9 and quality of life. As the largest local government in Washington state,

10 King County has the ability to promote public health, safety and quality of

11 life not only in its direct actions, but also via its business decisions to

12 influence the practices of other business entities.

13 King County values fair labor practices, including the payment of

14 prevailing wages to workers, even when such practices are not legally

15 required. For example, the department of development and environmental

16 services considers fair labor practices as one of the criteria in its

17 competitive bidding processes. In 2009, the council, in its capacity as

18 supervisors of the King County Flood Control District and King County  
19 Ferry District, adopted resolutions that included fair labor practices and  
20 the use of state-certified apprentices as factors that the Districts must  
21 consider when awarding construction projects. As examples of specific  
22 projects this year, King County required fair labor practices and state-  
23 certified apprentices in its request for qualifications for the sale of five  
24 properties totaling sixty-nine acres of land as part of King County's  
25 sustainable communities and housing pilot project, and the county also  
26 required prevailing wages for affordable housing development in its sale  
27 of the Summit Pit property.

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;

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; provided, that in the event such property is conveyed pursuant  
52 to the provisions of this subdivision, the conveyee or conveyees shall be limited to  
53 private, nonprofit corporations duly organized according to the laws of the state of  
54 Washington, which nonprofit corporations are exempt from taxation under 26 U.S.C. Sec.  
55 501(c) as amended, and which nonprofit corporations are organized for the purpose of  
56 operating social and health service facilities as defined by chapter 43.83D RCW;

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

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

63           9. The facilities management division for real property and the fleet  
64 administration division for personal property, in consultation with the county executive  
65 and the county council, may, in the best interests of the county, donate or negotiate the  
66 sale of either county surplus personal property or real property, or both, with bona fide  
67 nonprofit organizations wherein the nonprofit organizations provide services to the poor  
68 and infirm or with other governmental agencies with whom reciprocal agreements exist.  
69 Such transactions will be exempt from the requirements of fair market value, appraisal,  
70 and public notice. The facilities management division or fleet administration division, as  
71 applicable, also may, in the best interest of the county, procure services to support King  
72 County in lieu of payment with nonprofit organizations who provide services which will  
73 benefit the public. Such transactions are based upon the recommendation of the facilities  
74 management division or fleet administration division, as applicable, and the department  
75 having custodianship of the property. The facilities management division or fleet  
76 administration division, as applicable, shall maintain a file of appropriate correspondence  
77 or such information which leads to a recommendation by the division to the county  
78 executive and the county council to undertake such transactions, and such information  
79 shall be available for public inspection at the facilities management division or fleet  
80 administration division, as applicable. The facilities management division or fleet  
81 administration division, as applicable, may also seek reimbursement from the benefiting  
82 organization for the administrative costs of processing the surplus property;

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

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

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

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

96           1. At least with respect to that construction, the prevailing rate of wage, as  
97 defined in RCW 39.12.010, will be required to be paid to all worker classifications for  
98 which the state Department of Labor and Industries has established a prevailing rate of  
99 wage; and

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

103           D. Whenever the procedures of a grant agency having an interest in real or  
104 personal property requires disposition in a manner different from the procedures set forth

105 in this chapter, the property shall be disposed of in accordance with the procedures  
106 required by this chapter unless the grant agency specifically requires otherwise.

107           ~~(D.)~~ E. Each year, the transit division shall make available retired passenger  
108 vans for exclusive use by nonprofit organizations or local governments that are able to  
109 address the mobility needs of low-income, elderly or young people or people with  
110 disabilities. Each agency selected to receive a van must enter into an agreement with  
111 King County that provides that the agency will accept the van "as is" without guarantee  
112 or warranty expressed or implied and shall transfer title as prescribed by law before use.  
113 The council shall allocate the vans by motion to nonprofit organizations or local  
114 governments based upon the following criteria:

- 115           1. Demonstrated capacity to support ongoing van operation, including assured  
116 funding for licensing, insuring, fueling and maintaining the van;
- 117           2. Ability to provide qualified and trained drivers;
- 118           3. Specific plans for use of the van to transport low-income, elderly or young  
119 people or people with disabilities, and assurance that the use shall be available to those  
120 persons without regard to affiliation with any particular organization;
- 121           4. Geographic distribution of the van allocations in order to address the mobility  
122 needs of low-income, elderly or young people or people with disabilities countywide; and
- 123           5. Ability to support county's public transportation function by reducing single  
124 occupancy vehicle trips, pollution and traffic congestion; supplementing services

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126 provided by the county's paratransit system and increasing the mobility for the transit-  
127 dependent for whom regular transit might not always be a convenient option.

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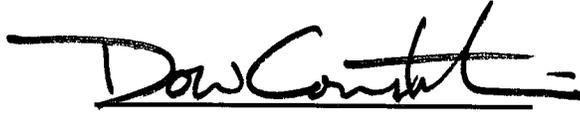
Ordinance 16659 was introduced on 7/20/2009 and passed by the Metropolitan King County Council on 9/14/2009, by the following vote:

Yes: 5 - Mr. Constantine, Mr. Ferguson, Mr. Gossett, Mr. Phillips and Ms. Patterson

No: 2 - Ms. Lambert and Mr. Dunn

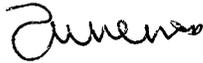
Excused: 2 - Ms. Hague and Mr. von Reichbauer

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



Dow Constantine, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 13 day of September, 2009.



Kurt Triplett, County Executive

**Attachments**      None