

February 1, 2016

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[khm]

Sponsor: Dunn

Proposed No.: 2015-0393

R Dunn → 8-0 pvr<sub>ex</sub>

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2015-0393, VERSION**

2 **2**

3 On page 1, beginning on line 9, strike everything through page 5, line 73, and insert:

4 "STATEMENT OF FACTS:

- 5 1. Beginning on January 1, 2008, the department of natural resources and  
6 parks ("the department") has functioned as the primary service provider to  
7 the King County Flood Control Zone District ("the district") under an  
8 interlocal agreement between King County and the district, as authorized  
9 by chapter 39.34 RCW. Among its duties as service provider, the  
10 department implements the district's annual work program.  
11 2. A substantial portion of the district's annual work program involves  
12 capital flood management or protection projects, which are implemented  
13 by the water and land resources division of the department. The  
14 department's implementation of projects includes planning and design,  
15 obtaining of permits, acquisition of necessary real property and real  
16 property interests, construction, and post-construction operation,  
17 maintenance, reporting and monitoring.

18 3. Under section 9 of the interlocal agreement between the county and the district,  
19 the county has acquired on behalf of the district real property or real property  
20 interests, with title to the real property and real property interests taken in the  
21 name of the county for later transfer to the district, as required by RCW  
22 86.15.080.

23 4. When the district desires to transfer real property and real property  
24 interests from the county to the district or a third party in accordance with  
25 RCW 86.15.210, it is the intent of the district, by resolution, to provide  
26 direction to the county either to convey these properties or interests to  
27 itself or third parties or to sell the properties or interests, with the proceeds  
28 of the sale to be remitted to the district.

29 5. Under such circumstances, it is more efficient and expeditious for the  
30 facilities management division of the department of executive services to  
31 convey or sell the real property or real property interests held in the  
32 county's name but on behalf of the district without following the processes  
33 mandated by K.C.C. chapter 4.56 for the sale or conveyance of real  
34 property or real property interests acquired by the county on behalf of the  
35 district and held in the name of the county.

36 6. Tracking the real property and real property interests acquired on  
37 behalf of the district is an important component to expeditiously  
38 conveying real property or real property interests to the district or a third  
39 party or selling them on behalf of the district.

40 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

41        SECTION 1. Ordinance 12045, Section 4, as amended, and K.C.C. 4.56.060 are  
42 each hereby amended to read as follows:

43        A. Except as otherwise provided in this chapter, the facilities management  
44 division, acting under the supervision of the county administrative officer, shall be the  
45 sole organization responsible for the administrative processes of acquiring, disposing,  
46 inventorying, leasing and managing real property, the legal title of which rest in the name  
47 of the county, or which the county manages in a trust capacity.

48        B. Open space, trail, park, agriculture and other natural resource real properties  
49 shall be acquired by the department of natural resources and parks, unless the executive  
50 directs the facilities management division to make such acquisitions.

51        C. Real property and interests in real property necessary for the metropolitan  
52 public transportation and metropolitan water pollution abatement functions shall be  
53 acquired and managed by the departments of transportation and natural resources and  
54 parks, respectively, as set forth in this chapter, unless the executive directs the facilities  
55 management division to make such acquisitions and/or manage such properties.

56        D. County departments shall be responsible for maintaining all real property for  
57 which they are the custodian.

58        E.1. As part of the services the county provides to the King County Flood  
59 Control Zone District under an interlocal agreement, the county, acting through the  
60 facilities management division in coordination with the department of natural resources  
61 and parks, is authorized to sell or otherwise convey real property and real property  
62 interests held in the name of the county that were acquired on behalf of the district,  
63 without being subject to the other requirements of this chapter, but only if:

64           a. the district, by resolution, directs the county to convey to the district or  
65 named third parties those real properties or real property interests acquired by the county  
66 for the district and held in the county's name. Within the time stated in the resolution, or  
67 within sixty days of the county's receipt of a copy of the resolution, if a time is not stated  
68 in the resolution, the division should execute the conveyance document, in a form  
69 approved by the district, and transmit it to the district unless the resolution directs the  
70 conveyance document be transmitted to named third parties; or

71           b.(1) the district, by resolution, directs the county to sell those real properties or  
72 real property interests acquired by the county for the district and held in the county's  
73 name, with the proceeds of the sales remitted to the district. Unless otherwise directed by  
74 the district by resolution, all sales shall be made to the highest responsible bidder at  
75 public auction or by sealed bid. Within the time stated in the resolution, or within sixty  
76 days of the county's receipt of a copy of the resolution, if a time is not stated in the  
77 resolution, the division should initiate the process to sell real properties or real property  
78 interests; and

79           (2) not more than thirty days after bids are received, the county shall provide  
80 the district with notice of all bids received and the county's determination of the highest  
81 responsible bidder. Before closing on any sale, the county shall obtain written  
82 confirmation from the district's executive director that the district concurs in the county's  
83 determination of the highest responsible bidder.

84           2. The county shall provide monthly progress reports on all district-authorized  
85 conveyances or sales, including but not limited to in the case of a conveyance, the  
86 expected date of executing the conveyance documents or, in the case of a sale, the closing

87 date. In each monthly report, if the expected date of the executing conveyance  
88 documents is delayed or the expected closing date of a sale is delayed, the county shall  
89 report to the district the reasons for the delay and the new expected date to convey or sell.

90 3. No later than March 31 of each year, the county shall provide to the executive  
91 director of the King County Flood Control Zone District an inventory of all real property  
92 and real property interests acquired by the county on behalf of the district and held in the  
93 name of the county."

94 **EFFECT: The amendment would add that in addition to conveying property it has**  
95 **acquired on behalf of the district, the County may sell the properties, with the proceeds**  
96 **to be remitted to the district.**

97 **The amendment specifies that for properties to be sold, unless otherwise directed by the**  
98 **district, the County will make the sale to the highest responsible bidder.**

99 **The amendment requires the County to provide the district with notice of all bids**  
100 **received within 30 days, to provide monthly progress reports thereafter until the closing**  
101 **date, and to provide an annual report to the district on the property the County is**  
102 **holding for the district.**