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

Sponsors: Jeanne Kohl-Welles, Pete von Reichbauer

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Attachments: 1. Ordinance 19241, 2. 2021-0090_SR_Van-Waiver.docx, 3. 2021-0090_ATT2_Emerg-Proc.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|------------------------------------|-----------------------------|--------|
| 3/2/2021 | 1 | Metropolitan King County Council | Passed as Amended | Pass |
| 2/24/2021 | 1 | Mobility and Environment Committee | Recommended Do Pass Consent | Pass |
| 2/16/2021 | 1 | Metropolitan King County Council | Introduced and Referred | |

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

STATEMENT OF FACTS:

1. Each year, the King County council provides retired passenger vans from the Metro transit department's vanpool program to nonprofit organizations or local governments to help meet the mobility needs of low-income, seniors or young people or people with disabilities.
2. K.C.C. 4.56.100 requires that agencies selected to receive a van must demonstrate "specific plans for use of the van to transport low-income, seniors or young people or people with disabilities."
3. On January 30, 2020, the World Health Organization declared that coronavirus disease 2019 constituted a public health emergency of international concern, the highest level of alarm.
4. On February 29, 2020, Washington Governor Jay Inslee issued proclamation 20-05,

proclaiming a state of emergency for all counties throughout the state of Washington in response to new cases of coronavirus disease 2019, and directing state agencies to use all resources necessary to prepare for and respond to the outbreak.

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

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

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

1. County property is sold to a governmental agency;
2. The county executive has determined an emergency to exist; or the county council, by ordinance, has determined that unique circumstances make a negotiated direct sale in the best interests of the public;
3. County real property is traded for real property of similar value, or when county personal property is traded for personal property of similar value;
4. The facilities management division has determined that the county will receive a greater return on real property when it is listed and sold through a residential or commercial real estate listing service;
5. County personal property is traded in on the purchase of another article;
6. Property has been obtained by the county through the proceeds of grants or other special purpose funding from the federal or state government, wherein a specific public purpose or purposes are set forth as a condition of use for the property, that purpose or purposes to be limited to the provision of social and health services or social and health service facilities as defined in chapter 43.83D RCW, and it is deemed to be in the best interest of the county, in each instance, upon recommendation by the county executive and approval by the county council, that in order to fulfill the condition of use, the county may sell or otherwise convey the property in some other manner consistent with the condition of use; however, the county may only convey the property to private, nonprofit corporations duly organized according to the laws of the state of Washington, which nonprofit corporations are exempt from taxation under 26 U.S.C. Sec. 501(c) as amended, and which nonprofit corporations are organized for the purpose of operating social and health service facilities as defined by chapter 43.83D RCW;
7. The county property is sold for on-site development of affordable housing which provides a public benefit, provided that the developer has been selected through a request for proposals;
8. It is deemed to be in the public interest to restrict the use of the project for provision of social or health services or such other public purposes as the county deems appropriate;
9. The facilities management division for real property and the fleet services division for personal

property, in consultation with the county executive and the county council, may, in the best interests of the county, donate or negotiate the sale of either county surplus personal property or real property, or both, with bona fide nonprofit organizations wherein the nonprofit organizations provide services to the poor and infirm or with other governmental agencies with whom reciprocal agreements exist. Such transactions shall be exempt from the requirements of fair market value, appraisal and public notice. Where a department has identified personal property that is appropriate for surplusing to nonprofit organizations, the department shall utilize the fleet services division to manage the surplusing process, and the fleet services division shall ensure that the personal property is in good working order, that county data and inventory tags are removed and that consistent records of donations and sales are retained. The facilities management division or fleet services division, as applicable, also may, in the best interest of the county, procure services to support King County in lieu of payment with nonprofit organizations who provide services that will benefit the public. Such transactions are based upon the recommendation of the facilities management division or fleet services division, as applicable, and the department having custodianship of the property. The facilities management division or fleet services division, as applicable, shall maintain a file of appropriate correspondence or such information that leads to a recommendation by the division to the county executive and the county council to undertake such transactions, and such information shall be available for public inspection at the facilities management division or fleet services division, as applicable. The facilities management division or fleet services division, as applicable, may also seek reimbursement from the benefiting organization for the administrative costs of processing the surplus property;

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

11. The county property is located in a historic preservation district within the Urban Growth Area and is sold to a nonprofit corporation or governmental entity for one-site mixed use development consistent with historic preservation requirements, which includes affordable housing and which may also include market rate

housing, retail or other uses, and which is selected after a competitive request for proposal process; or

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

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

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

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

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

B. The county may, if it deems such action to be for the best public interest, reject any and all bids,

either written or oral, and withdraw the property from sale. The county may then renegotiate the sale of withdrawn property, providing the negotiated price is higher than the highest rejected bid.

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

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

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

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

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

1. Demonstrated capacity to support ongoing van operation, including assured funding for licensing, insuring, fueling and maintaining the van;
2. Ability to provide qualified and trained drivers;
3. Specific plans for use of the van to transport low-income, ((elderly)) seniors or young people or

people with disabilities, and assurance that the use shall be available to those persons without regard to affiliation with any particular organization. For the duration of the public emergency declared by the executive in response to the coronavirus disease 2019, the specific plans may also include use of the van to transport goods or supplies, including, but not limited to, food, clothing, school supplies or medical equipment, to serve the needs of low-income, seniors or young people or people with disabilities;

4. Geographic distribution of the van allocations in order to address the mobility needs of low-income, ~~((elderly))~~ seniors or young people or people with disabilities countywide; and

5. Ability to support county's public transportation function by reducing single occupancy vehicle trips, pollution and traffic congestion; supplementing services provided by the county's paratransit system, ~~((~~ and)) increasing the mobility for the transit-dependent for whom regular transit might not always be a convenient option and, during the public emergency declared by the executive in response to the coronavirus disease 2019, transporting needed goods and supplies to for low-income, seniors or young people or people with disabilities.