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

Sponsors: Larry Phillips, Dow Constantine, Larry Gossett

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Code sections: 4.56.100 -

Attachments: 1. 16659.pdf, 2. Staff Report 08-18-09, 3. Staff Report 07-21-09, 4. Staff Report 09-01-09

Date	Ver.	Action By	Action	Result
9/14/2009	1	Metropolitan King County Council	Hearing Held	
9/14/2009	1	Metropolitan King County Council	Passed	Pass
9/1/2009	1	Budget and Fiscal Management Committee		
8/18/2009	1	Budget and Fiscal Management Committee	Deferred	
7/21/2009	1	Budget and Fiscal Management Committee	Deferred	
7/20/2009	1	Metropolitan King County Council	Introduced and Referred	

Clerk 07/16/2009

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

PREAMBLE:

King County has as its top priorities the protection of public health, safety, and quality of life. As the largest local government in Washington state, King County has the ability to promote public health, safety and quality of life not only in its direct actions, but also via its business decisions to influence the practices of other business entities.

King County values fair labor practices, including the payment of prevailing wages to workers, even when such practices are not legally required. For example, the department of development and environmental services considers fair labor practices as one of the criteria in its competitive bidding processes. In 2009, the council, in its capacity as supervisors of the King County Flood Control District and King County Ferry District, adopted resolutions that included fair labor practices and the use of state-certified apprentices as factors that the Districts must consider when awarding construction projects. As examples of specific projects this year, King County required fair labor practices and state-certified apprentices in its request for qualifications for the sale of five properties totaling sixty-nine acres of land as part of King County's sustainable communities and housing pilot project, and the county also required prevailing wages for affordable housing development in its sale of the Summit Pit property.

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; provided, that in the event such property is conveyed pursuant to the provisions of this subdivision, the conveyee or conveyees shall be limited 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 administration 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 will be exempt from the requirements of fair market value, appraisal, and public notice. The facilities management division or fleet administration 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 which will benefit

the public. Such transactions are based upon the recommendation of the facilities management division or fleet administration division, as applicable, and the department having custodianship of the property. The facilities management division or fleet administration division, as applicable, shall maintain a file of appropriate correspondence or such information which 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 administration division, as applicable. The facilities management division or fleet administration 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 D. of this section; or

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.

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, will 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 will 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.

~~((D.))~~ E. Each year, the transit division 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 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 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;
4. Geographic distribution of the van allocations in order to address the mobility needs of low-income, elderly 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.

none