ORDINANCE NO. 12394

AN ORDINANCE relating to management, sale, leasing and disposition of real property for and by the county amending Ordinance 12045, Sections 4, 5, 10, 14 and 15, as amended, and amending Ordinance 11955, Section 3 and adding a new section to K.C.C. 4.56.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 12045, Section 4 is hereby amended to read as follows:

Property service division - Responsibilities.
A. Except as provided in this chapter, the property services division, acting under the supervision of the director, department of construction and facility management, shall be the sole organization responsible for the administrative processes of acquiring, disposing, inventorying, leasing and managing real property, the legal title of which rest in the name of the county, or which the county manages in a trust capacity.
B. The property services division shall be the sole agency responsible for inventorying and disposing of county personal property.
C. Open space, trail, park, agriculture and other natural resource properties shall be acquired by the department of natural resources, unless the executive directs the property services division to make such acquisitions.
D. Real property and interests in real property necessary for the metropolitan public transportation and metropolitan water pollution abatement functions shall be acquired and managed by the departments of transportation and natural resources, respectively, as set forth in this chapter, unless the executive directs the property services...
division to make such acquisitions and/or manage such properties.

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

SECTION 2. Ordinance 12045, Section 5 is hereby amended to read as follows:

Property services division, county departments - Responsibilities and powers in declaring county real property surplus.

A. The property services division shall no later than the end of the first quarter of the calendar year, maintain and update a current inventory of all county titled real property with detailed information as to current departmental custodianship and as to the characteristics that determine its economic value and potential uses; provided, that all county roads shall be excluded from the provision of this section.

B. No later than June 30th of each calendar year, each department shall submit a report to the property services division on the status of all real property for which the department is the custodian and include in the report any change in use or status since the previous year's report.

C. County departments shall be required, no later than June 30th of every third calendar year beginning with 1996, to justify departmental retention of all real property for which the department is the custodian to the property services division.

1. If in the judgment of the property services division a county department cannot justify the retention of real property for which it is the custodian or if a department determines that real property is surplus to its needs, the property services division shall determine whether any other county department has a need for the property that is related to the provision of essential government services, including but not limited to services for the public health, public safety, or services related to transportation, water quality.
surface water or other utilities. If the property is not
needed for the provision of essential government services, the
property services division shall then determine if the parcel
is suitable for affordable housing. If it is deemed suitable
for housing the county shall first attempt to make it
available or use it for affordable housing pursuant to Section
3 or 4. Suitable for affordable housing for the purpose of
this section means the parcel is located within the Urban
Growth Area, zoned residential and the housing development is
compatible with the neighborhood. If the property is not
deemed suitable for the purposes described above, then it
shall be determined whether any other department has a need
for the parcel.

2. If another department can demonstrate a need for
said real property, custodianship of such real property shall
be transferred to that department without any financial
transaction between present and future custodial
organizations, except as required by RCW 43.09.210, as
amended, or under grants.

3. If no other department can demonstrate a need for
such real property, said real property shall be declared
surplus to the future foreseeable needs of the county and may
be disposed of as set forth in this chapter.

D. The property services division shall review and
make recommendations to the executive for uses other than the
sale of surplus real property prior to a decision by the
executive to dispose of such properties through sale. Other
possible uses that shall be considered by the division in
accordance with the provisions of this chapter, are:

1. Exchanges for other privately or publicly owned
lands that meet the county's land needs;

2. Lease with necessary restrictive covenants;

3. Use by other governmental agencies;

4. Retention by the county if the parcel is classified
as floodplain or slide hazard property; and

5. Use by nonprofit organizations for public purposes.
6. Long-term lease or sale for on-site development of affordable housing.

E. The property service division in consultation with the office of budget and strategic planning and the department of community and human services shall, no later than the third quarter of the calendar year, submit a report to the council identifying surplus county real property suitable for the development of affordable housing. Affordable housing for the purpose of this ordinance means residential housing that is rented or owned by a person:

   a. who is from a special needs population and whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income, or;

   b. who qualifies as a very low-income, low-income, or moderate-income household as those terms are defined in RCW 43.63A.510.

NEW SECTION. SECTION 3. There is added to K.C.C. 4.56 a new section to read as follows:

Public/Private Development Projects on or with County Property.

A. The office of budget and strategic planning shall assist the department of construction and facilities management to determine the potential public/private uses of county owned real and personal property.

B. The department of construction and facilities management shall assist county departments in capital facilities planning and, in collaboration with the office of budget and strategic planning, investigate the feasibility of, and when feasible, facilitate, public/private partnerships in the use of county property, pursuant to Section 2 of this ordinance. These investigations shall include such actions as:

   1. prepare market and financial feasibility studies, hold public meetings, and prepare recommendations;

   2. brief the executive and council;
3. solicit developer proposals;
4. select the developer;
5. obtain council approval;
6. negotiate the developer agreement;
7. monitor the development and use of assets.

C. The office of budget and strategic Planning shall
provide assistance to other county departments to determine
if real property or other assets may be managed for economic
development purposes or administered in a manner that will
provide revenue to the County.

SECTION 4. Ordinance 12045, Section 10 is hereby amended
to read as follows: Sale of property - Public auction or
Sealed Bid.

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 property services 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; ((end))
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(s) is set forth as a condition of use for such
property, said purpose(s) to be limited to the provision of
social and health services or social and health services
facilities as defined in Washington Statute RCW Chapter 43.83D, 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 said 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(s) 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 USC § 501(c) as amended, and which nonprofit corporations are organized for the purpose of operating social and health service facilities as defined by Washington Statute RCW Chapter 43.83D;

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.

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. 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.

SECTION 5. Ordinance 12045, Section 14 is hereby amended to read as follows:
Authority to lease or rent county real property.

A. If it appears that it is for the best interests of the county and the people thereof, the county may lease any county real property and its appurtenances for a year or a term of years under the limitations and restrictions and in the manner provided in this chapter.

B. The county may lease such county real property and its appurtenances whether such property was acquired by tax deed under foreclosure proceedings for nonpayment of taxes or whether held or acquired in any other manner.

C. Any lease executed under the authority of the provisions of this section creates a vested interest and a contract binding upon the county and the lessee.

D. The county may enter into rental agreements for a term less than one year, including month-to-month rental agreements, on terms and conditions that are in the best interest of the county. All such rental agreements are subject to approval by the executive based on recommendations of the property services division. Rental agreements for a term less than one year are exempt from the appraisal and notice requirements pertaining to leases for a year or more; provided, that the property services division shall maintain a file of appropriate correspondence or such information which leads to a recommendation by the property services division to the county executive to enter into such an agreement, such information shall be available for public inspection at the property services division for one year after termination of such tenancies.

E. The county may, in the best interests of the county, enter into agreements for the use of county property with bona fide, nonprofit organizations, with another governmental agency when the property is to be used for a medical training and research facility connected with a county hospital, or ((with-community-groups)) wherein the nonprofit organization or governmental agency ((or-community-group)) is either to use the property for affordable housing, to make improvements to
the county property and/or provide services which will benefit
the public. Such agreements will be exempt from the
requirements of fair market value, appraisal, and notice.
Such agreements are subject to the approval of the executive,
based upon recommendation of the property services division
and the department having custodianship of the property
subject to the agreement, provided that the property services
division shall maintain a file of appropriate correspondence
or such information which leads to a recommendation by the
division to the county executive to enter into such an
agreement, such information shall be available for public
inspection at the property services division for one year
after termination of such tenancies.

F. For rental or lease agreements, including concession
agreements, on county parks or open space properties, the
parks and cultural resources department shall have the
authorities and responsibilities specified in paragraphs D and
E of Section 14 of this ordinance for the property services
division.

SECTION 7. Ordinance 12045, Section 15 is hereby amended
to read as follows: Manner of awarding lease or rental
agreement.

A. Except as provided in paragraphs D and E, of Section 5
of this ordinance, and paragraph D of Section 15 of (this)
Ordinance 12045, fair market rental value, as defined in
K.C.C. 4.56.010, shall be the basis for all leases of county
real property. All leases will be awarded upon the best terms
and conditions available to the county.

B. Except as provided in paragraph D of Section 15 of
(this) ordinance 12045, when the county authorizes a new
lease, or the renewal of a lease once executed and delivered,
the property services division shall make an appraisal of the
fair market rental value of such property, and such fair
market rental value will serve as the basis for the new lease
or renewal. After said review, the manager of the property
services division shall determine whether the new lease, or
renewal of an existing lease is to be awarded by competitive bidding or by negotiation with interested parties without bidding. New leases shall be awarded by competitive bidding unless the manager of the property services division determines it is advantageous to the county to negotiate without bidding. In the event the county negotiates the award of lease contracts, the property services division shall submit to the executive the reasons for recommending award through negotiation rather than competitive bidding. At the option of the executive, competitive bidding may be required. The county shall give notice of its intention to execute a lease by publishing a notice in a legal newspaper at least once a week for the term of two weeks. The notice so published shall adequately describe the property to be leased, and shall contain a notice that a copy of the lease is available for public inspection at the property services division. Such notice requirement shall not apply to leases or renewals awarded through competitive bidding, or pursuant to the provisions of paragraph D of Section 15 of this ordinance. Every new lease, or extension, modification or renewal of a lease once executed and delivered, shall be signed or caused to be signed, by the county executive, in accordance with Section 320.20 of the King County Home Rule Charter, following analysis and recommendations of the manager of the property services division and the county department having custodianship of the property. After awarding of the new lease, modification, extension or renewal, a copy of the instrument, as executed and delivered shall be available for public inspection at the property services division.

C. When the county elects to lease its property pursuant to public bidding, the county shall advertise to the extent which the county deems necessary to effect an advantageous lease. Such advertising shall include publishing a notice in a legal newspaper at least once a week for three consecutive weeks, the last notice to appear no more than five days prior to the date of the auction or bid opening. When a lease of
county real property is awarded through competitive bidding, the lease shall be awarded to the highest responsible bidder; provided, that whenever there is reason to believe that the highest acceptable bid is not the best rental obtainable, all bids may be rejected and the county may call for new bids or enter into direct negotiations to achieve the best possible rental. Each bid, with the name of the bidder, shall be recorded by the property services division, and each record, with the name and address of the successful bidder and the amount of the successful bid, shall, after the awarding of the lease, be open to public inspection at the property services division. In determining the highest responsible bidder, in addition to rental, the following elements shall be given consideration:

1. The financial responsibility of the bidder, and references therefor;
2. The previous and existing compliance by the bidder with the terms of other leases of county real property and the laws relating thereto;
3. Such other information as may be secured relevant to the decision to award the lease.

D. If property was obtained by the county through the proceeds of grants or other special purpose funding from either or both the federal and state government, wherein a specific public purpose(s) is set forth as a condition of use for such property, the purpose(s) to be limited to the provision of social and health services or social and health services facilities as defined in RCW Chapter 43.83D and upon recommendation by the county executive and approval by the county council, the property services division may obtain and lease out the property pursuant to such terms and conditions as are consistent with said purposes; provided, that in the event such property is leased pursuant to the provisions of this subsection, the lessee(s) 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. Section 501(b) as amended
and which nonprofit corporations are organized for the purpose
of operating social and health services facilities as defined
by RCW 43.83D.

SECTION 8. - Ordinance 11955, Section 3 is hereby amended
to read as follows:

County executive and deputy county executive.

A. The county executive shall manage and be fiscally
accountable for budgeting and strategic planning which shall
include the following:

1. Plan, prepare and manage, with emphasis on fiscal
management and control aspects, the annual operating and
capital improvement budgets;

2. Prepare forecasts of and monitor revenues;

3. Monitor expenditures and work programs in
accordance with Section 475 of the charter;

4. Develop and prepare expenditure plans and
ordinances to manage the implementation of the operating and
capital improvement budgets throughout the fiscal year;

5. Develop and use performance indicators to monitor
and evaluate the effectiveness and efficiency of county
agencies;

6. Formulate and implement financial policies
regarding revenues and expenditures for the county and other
applicable agencies;

7. Perform program analysis, and contract and
performance evaluation review;

8. Manage and coordinate the implementation by
departments of GMA requirements;

9. Develop proposed policies to address strategic
planning, regional planning, implementation of the county's
comprehensive plan, economic development, and housing
planning;

10. Develop and oversee the county-wide program for
implementation of the county's comprehensive plan, including
coordinating the implementation of plans which are developed by departments;

11. Coordinate county and regional planning with public and private agencies;

12. Manage programs and develop projects that promote economic development, assist communities and businesses in creating economic opportunities, promote a diversified regional economy, promote job creation with the emphasis on family-wage jobs, and improve county asset management;

13. Develop and manage housing programs and projects that implement GMA policies and have not been assigned to a department;

14. Prepare interlocal agreements between and/or among the county, cities and providers of necessary urban services such as sewer and water as needed to address common planning issues; (end)

15. Collect and analyze land development, population, housing, natural resource enhancement, and economic activity data to aid decision making and to support implementation of county plans and programs, including benchmarks. The executive may assign or delegate budgeting and strategic planning functions to employees in the office of the executive but shall not assign or delegate such functions to any department; and

16. The office of budget and strategic planning shall provide assistance to other county departments to determine if real property or other assets may be managed for economic development purposes or administered in a manner that will provide revenue to the County.

B. The deputy county executive shall, at the discretion of the county executive, assist the executive in the management of all county agencies except as otherwise provided by the Charter or by ordinance. The deputy county executive shall manage and be fiscally accountable for the administrative office of human resource management.
C. Office of Human Resource Management. The administrative office of human resources management shall have the following duties:

1. Develop proposed and administer adopted policies and procedures for employment (recruitment, examination and selection), classification and compensation, and salary administration;

2. Administer insured and non-insured benefits programs, including health care benefits, leave programs, deferred compensation and other special benefits (e.g., dependent care assistance, wellness and work/family programs);

3. Develop proposed and administer adopted human resources proposed policy;

4. Provide technical and human resources information services support;

5. Develop and administer training and organizational development programs, including centralized employee and supervisory training and other employee development programs;

6. Develop and administer diversity management and employee relations programs, including affirmative action plan development and administration, management and supervisory diversity training, and conflict resolution;

7. Develop and administer workplace safety programs, including inspection of work sites and dissemination of safety information to employees to promote workplace safety;

8. Administer King County's self-funded industrial insurance/worker's compensation program, as authorized by Title 51, RCW;

9. Represent county agencies in the collective bargaining process as required by RCW 41.56;

10. Represent county agencies in labor arbitrations, appeals and hearings including those set forth in RCW 41.56 and required by K.C.C. Title 3;
11. Administer labor contracts and provide consultation to county agencies regarding the terms and implementation of negotiated labor agreements;

12. Advise executive and council on overall county labor and employee policies;

13. Provide labor relations training for county agencies, executive, council and others;

14. Oversee the county's unemployment compensation program; and

15. Develop and maintain databases of information relevant to the collective bargaining process.

SECTION 9. Severability. The provisions of this ordinance shall be effective in all cases unless otherwise provided by federal law. The provisions of this ordinance are separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or other portion of this ordinance or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance or the validity of the application to other persons or circumstances.

INTRODUCED AND READ for the first time this 24th day of June, 1996.

PASSED by a vote of 13 to 0 this 22nd day of July, 1996.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Chair

ATTEST:

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Clerk of the Council

APPROVED this 2nd day of August, 1996.

King County Executive

Attachments: