

Adopted: 9/24/14
Effective: 10/10/14

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 14-080

RELATING TO PROCEDURES FOR MANAGEMENT
AND DISPOSITION OF COUNTY PROPERTY;
AMENDING SCC 2.10.010; SCC 30.41B.020 AND CHAPTERS 4.46 AND 10.46 SCC

BE IT ORDAINED:

Section 1. Snohomish County Code Section 2.10.010, last amended by Amended Ordinance No. 11-047 on July 27, 2011, is amended to read:

2.10.010 Executive functions.

The following functions of government not otherwise provided for in the charter are deemed executive functions and shall be performed by the county executive:

(1) Approval of all bonds and assignments of account running to or for the benefit of the county, including but not limited to: officials and employees bonds; cash bonds, bonds issued by a surety company, or assignments of account given to assure performance or maintenance; cash bonds, bonds issued by a surety company, or assignments of accounts to assure performance of conditions incidental to land use activities or to any other license or permit issued by the county; but not including any bond required in any civil or criminal court proceeding;

(2) Approval of amendments, change orders, and orders for extra work on contracts subject to bidding as provided in SCC 3.04.140;

(3) Determination that the performance or other consideration to be delivered to the county under the terms of any contract has been performed or delivered; and to accept such performance or other consideration on behalf of the county. The county executive shall keep the county council advised of developments which will unreasonably delay completion of any contract or unreasonably increase the costs thereof;

(4) Approval of all insurance policies and certificates of insurance;

(5) Approval of payrolls of county officials and employees;

(6) ~~((Approval of and signing of all licenses to occupy or use Evergreen State Fairgrounds property as provided in SCC 2.32.150; PROVIDED, That the county executive shall submit an annual report to the county council not later than February 15th of each year, showing the contracts, parties, duration, amendments, licenses, permits and special services contracts;~~

~~(7))~~ Upon receipt of any claim against the county, or any pleading in connection therewith, the county executive shall immediately forward copies thereof to the prosecuting attorney and the county department involved;

1 ~~((8))~~ (7) Approval of the bringing of or joining in civil lawsuits seeking damages
2 or injunctive relief in behalf of the county. The county council may also approve
3 the bringing of or joining the county in any lawsuit in behalf of the county;
4 ~~((9))~~ (8) Approval of budget transfers as provided in chapter 4.26 SCC as it
5 now exists or is hereafter amended;
6 ~~((10))~~ (9) Approval of escrow agreements on retained percentages as provided
7 in RCW 60.28.010;
8 ~~((11) Approval of all permits and licenses affecting any property under the
9 jurisdiction of the department of parks and recreation, including deeds of right to
10 use land for public recreation purposes and hazardous substances certifications
11 required for property acquired with funds granted by the recreation and
12 conservation office, and declarations and other documents imposing protective
13 covenants, conditions, and other restrictions on property acquired with funds
14 granted by the state conservation futures program; PROVIDED, That the county
15 executive shall submit an annual report to the county council not later than
16 February 15th of each year, showing the contracts, parties, duration,
17 amendments, licenses, permits and special services contracts;
18 ~~(12))~~ (10) Approval of all agreements with any cities or towns of Snohomish
19 county of the county jail or district court filing fees; PROVIDED, That the county
20 council by resolution has previously established the rates to be charged and
21 other terms of such agreements and has approved the forms of contracts to be
22 utilized. The county executive shall submit to the county council an annual report
23 not later than February 15th of each year showing rates and effective dates of
24 such contracts approved by the county executive. Not later than December 1st of
25 each year, the county executive shall submit to the county council the forms of
26 contracts to be used on such agreements for the following year. Rates and terms
27 to be used in such contracts shall be reviewed not less than once a year by the
28 county council;
29 ~~((13))~~ (11) Approval and acceptance of all contracts with landowners and/or
30 developers required by or as a condition of any comprehensive plan amendment,
31 rezone, variance, conditional use permit, plat or replat or any other land use
32 control, final approval thereof which has been given by the county council or the
33 hearing examiner; PROVIDED, That all such contracts shall be approved by the
34 hearing examiner prior to approval by the county executive; and the county
35 executive shall submit to the county council an annual report, due not later than
36 February 15th of each year, showing the names of parties and the general
37 purposes of such contracts as have been approved by the executive;
38 ~~((14))~~ (12) Approval of all licenses to occupy, use or access the Snohomish
39 County Airport and all airport leases; PROVIDED, That in accordance with SCC
40 15.04.040, the county executive may recommend individual licenses or leases for
41 approval by the council, and shall recommend in such detail as the council may
42 require proposed rates, terms and forms of leases to be approved by the
43 executive in which event the county council by motion will establish the rates to
44 be charged and other terms of any such lease and approve the form of lease
45 utilized which rates, terms and form may be changed from time to time by the~~

1 county council; and PROVIDED, FURTHER, That the county executive shall
2 submit an annual report to the county council, not later than February 15th of
3 each year, showing the names of parties, rents, reserve, areas rented, and time
4 period of each such lease and license. Any lease or license executed pursuant to
5 this section shall be deemed to be with the approval of the county council as
6 required by chapter 15.04 SCC;
7 ~~((15))~~ (13) Approval of contracts and contract amendments relating to the
8 department of human services as provided in subsections ~~((26), (27) and (30))~~
9 (24), (25) and (28) of this section or SCC 2.400.065;
10 ~~((16))~~ (14) Approval of contracts with the cities, towns, or other municipal
11 subdivisions for the purchase of gasoline, diesel oil or other petroleum products,
12 and contracts for street or road maintenance with counties, cities, or towns;
13 PROVIDED, That the county council has approved the schedule of charges to be
14 made for various items of maintenance and the forms of contract to be used. The
15 county executive shall submit an annual report to the county council, not later
16 than February 15th of each year, showing the parties' services and charges on
17 such contracts;
18 ~~((17))~~ (15) Approval of applications and contracts for grants in aid and for any
19 projects previously approved in the annual or six year road program with the
20 Washington State Department of Transportation or in the department of public
21 works surface water management annual construction program or six year
22 capital improvement program; PROVIDED, That the county executive shall
23 submit to the county council an annual report, not later than February 15th of
24 each year summarizing such applications and contracts;
25 ~~((18))~~ (16) Approving and signing public disclosure reports for lobbying activities
26 by county officials and employees as required by chapter 42.17 RCW;
27 ~~((19))~~ (17) Approve haul route agreements with other public agencies or
28 contractors with public agencies permitting use of designated county roads, or
29 sections thereof for detour routes or moving of heavy equipment or materials
30 necessitated by the performance of a public works contract; PROVIDED, That
31 the county executive shall submit an annual report to the county council not later
32 than February 15th of each year, showing the contracts, parties, duration,
33 amendments, licenses, permits and special service contracts;
34 ~~((20))~~ (18) Approval of vouchers for payment of all claims presented against the
35 county by persons furnishing goods or materials, rendering services or
36 performing labor, or for any other contractual purpose as well as employee
37 reimbursement claims for allowable expenses. Prior to approval by the county
38 executive, all claims shall be certified for payment by the county auditing officer;
39 ~~((21))~~ (19) Approval of agreements between the state and county for the
40 purpose of participating in state work experience programs;
41 ~~((22))~~ (20) Approval of waste reduction and recycling grant contracts;
42 PROVIDED, That the county executive shall submit an annual report to the
43 county council not later than February 15th of each year, showing the contracts,
44 parties, duration, amendments, licenses, permits and special service contracts;

1 ~~((23))~~ (21) Approval of contracts and contract amendments implementing
2 programs or projects administered by the superior court, including the juvenile
3 court division of the superior court; PROVIDED, The county council has
4 approved necessary contracts with state, federal, or other sources of funds, if
5 any funds from such sources are used, and the county council has appropriated
6 funds for such programs or projects; and PROVIDED FURTHER, That the county
7 executive shall submit to the county council an annual report, not later than
8 February 15th of each year, showing the parties, contract amount, and purpose
9 of each contract and contract amendment approved and signed by the county
10 executive under this section;

11 ~~((24))~~ (22) Approval of contracts and contract amendments implementing
12 programs or projects administered by the department of planning and
13 development services; PROVIDED, The county council has approved necessary
14 contracts with state, federal, or other sources of funds, if any funds from such
15 sources are used, and the county council has appropriated funds for such
16 programs or projects; and PROVIDED FURTHER, That the division shall submit
17 to the county council an annual report, not later than February 15th of each year,
18 showing the parties, contract amount, and purpose of each contract and contract
19 amendment approved and signed by the county executive;

20 ~~((25))~~ (23) Approval and submission of all applications for grants on behalf of
21 the county unless the granting agency requires approval of such applications by
22 the county council;

23 ~~((26))~~ (24) Approval of contracts and, except when the county council by motion
24 or ordinance has restricted executive authority to approve amendments for
25 specific contracts, contract amendments on behalf of the county for funds,
26 property or services contributed to the county by grants, entitlements and shared
27 revenue of every kind and nature; which do not obligate the county monetarily
28 and implement programs, projects, or functions that the county council has
29 specifically authorized by motion or ordinance; PROVIDED, That the county
30 executive shall submit an annual report to the county council not later than
31 February 15th of each year, showing the parties, contract amount, and purpose
32 of each contract approved and signed by the county executive under this section;

33 ~~((27))~~ (25) Approval of contracts and, except when the county council by motion
34 or ordinance has restricted executive authority to approve amendments for
35 specific contracts, contract amendments on behalf of the county for funds,
36 property or services contributed to the county by grants that require match funds
37 of up to \$50,000 which implement programs, projects, or functions that the
38 county council has specifically authorized by motion or ordinance; PROVIDED,
39 That the county executive shall submit an annual report to the county council not
40 later than February 15th of each year, showing the parties, contract amount, and
41 purpose of each contract approved and signed by the county executive under
42 this section.*

43 ~~((28))~~ (26) Approval of purchase and other contracts on behalf of the county
44 that are recommended by the Snohomish county arts commission pursuant to
45 chapter 2.95 SCC, including but not limited to contracts limiting the use of

1 contributions to the arts fund and contracts providing for the purchase or use of
2 works of art, provided that such contracts comply with SCC 3.04.140 concerning
3 award and execution of contracts;

4 ~~((29))~~ (27) Approval of plans, and amendments thereto, prepared under
5 provisions of the Local Agency Guidelines adopted by the state department of
6 transportation to assure compliance with Title VI of the Civil Rights Act of 1964 in
7 county transportation program projects that are funded by the federal highway
8 administration. The county executive shall serve as the county's administrator
9 under such plans;

10 ~~((30))~~ (28) Approval of grant documents (including but not limited to
11 applications, certifications, contracts, and subsequent amendments) on behalf of
12 the county for funds contributed to the county by grants that are included in a
13 grant work plan approved by the county council by motion in accordance with
14 SCC 4.26.025; PROVIDED, That this section does not authorize the county
15 executive to approve those grant documents which a prior contract or interlocal
16 agreement requires must be approved by the county council; PROVIDED
17 FURTHER That the county executive shall submit an annual report to the county
18 council not later than February 15th of each year, showing the parties, grant
19 amount, and the purpose of each grant contract approved and executed by the
20 county executive under this subsection.

21
22 Section 2. Snohomish County Code Section 4.46.005, added by Ordinance No.
23 93-137 on December 22, 1993, is amended to read:

24
25 **4.46.005 Purpose and scope.**

26
27 The purpose of this chapter is to establish comprehensive and standardized
28 procedures for the management and disposition of county personal and real
29 property consistent with public interest. Unless otherwise provided by ordinance,
30 the county shall manage and dispose of county property only as provided in this
31 chapter or as otherwise permitted by the laws of the State of Washington now in
32 effect or as hereafter amended.

33
34 Section 3. Snohomish County Code Section 4.46.010, last amended by
35 Amended Ordinance No. 08-139 on October 20, 2008, is amended to read:

36
37 **4.46.010 Definitions.**

38
39 The following definitions shall apply throughout this chapter.

40 (1) ~~((Council. The council is the governing authority of Snohomish county,~~
41 ~~within the scope of the definition in the Snohomish county charter.~~

42 (2) ~~Executive. The executive is defined for the purpose of this chapter~~
43 ~~within the Snohomish county charter.~~

44 (3) ~~Property Management Division. The property management division is~~
45 ~~established within the department of facilities management pursuant to~~

1 provisions of this chapter for the management and disposition of real and
2 personal property owned or otherwise held by Snohomish county.

3 ~~(4) Property Administrator. The property administrator is that county
4 officer appointed by the director of the department of facilities management
5 pursuant to 2.17.040 who is charged with the responsibility of administering the
6 provisions of this chapter and supervising property management.~~

7 ~~(5) Fair Market Rental Value. Fair market rental value is an amount in the
8 competitive market that a well informed and willing lessor who desires but is not
9 required to lease, would accept, and which a well-informed and willing lessee
10 who desires but is not required to lease, would pay for the temporary use of the
11 premises, after due consideration of all the elements reasonably affecting value.~~

12 ~~(6) Depreciated Value. Depreciated value is the purchase cost of property
13 less depreciation.~~

14 ~~(7) Estimated Market Value. Estimated market value is the probable sale
15 value of property as between a willing seller, who desires but is not required to
16 sell and a willing purchaser, who desires but is not required to buy, assuming
17 both are knowledgeable as to all uses to which the property can be put.~~

18 ~~(8)) "Affordable housing" means residential housing that is rented or
19 owned by a person who qualifies as a very low-income, low-income, or
20 moderate-income household as those terms are defined in RCW 43.63A.510 as
21 now written or hereafter amended.~~

22 (2) "Capitalized asset" means any fixed asset that meets the capitalization
23 requirements established by the department of finance pursuant to SCC
24 2.100.030(5).

25 (3) "Civil forfeiture property" means property acquired or held by the
26 county as a result of a civil forfeiture action authorized by Chapter 10.46 SCC,
27 unless and until the property is retained for official use.

28 (4) "Council" means the Snohomish county council.

29 (5) "Emergency" means a situation in which it is highly probable that
30 county property will suffer material injury, loss or damage by delayed action.

31 (6) "Environmentally sensitive area" means property zoned as flood or
32 slide hazardous property; wetlands; property that provides access to public lakes,
33 rivers or creeks; and property containing hazardous material as determined by
34 the department of public works.

35 (7) "Executive" means the Snohomish county executive or his or her
36 designee.

37 (8) "Fair market value" means the amount of money that a well-informed
38 person, willing but not obliged to enter into a transaction to purchase, lease,
39 obtain an interest in or obtain a right to use property, would pay, and that a well
40 informed property owner, willing but not obliged to entered into the transaction,
41 would accept, taking into consideration all reasonable potential uses of the
42 property.

43 (9) "Lot((. A lot is a number of))" means two or more properties of a like
44 kind((, serving a similar purpose)) grouped together for purposes of management
45 or disposition.

1 ~~((9) Emergency. An emergency is an occurrence whereby county~~
2 ~~property would suffer material injury, loss or damage by delay of action.~~

3 ~~(10) Expendable Property. Expendable property is that property which,~~
4 ~~when committed to the purpose intended, has its usefulness consumed and~~
5 ~~thereafter has no further value.))~~

6 ~~(10)((Worthless Property.))~~ “Worthless property((is that))” means property
7 ((which))that when processed as surplus in the manner most advantageous to
8 the county ((cannot reasonably be sold for an amount)) is not of sufficient value
9 to recoup more than the cost of sale, recycling, or disposal.

10 ~~((12) Historical Cost. The actual price paid plus tax, commission,~~
11 ~~installation cost, betterments, assessments, and any other costs related to~~
12 ~~acquiring the property or preparing the asset for use.~~

13 ~~(13) ((Fallen Timber. Trees that have been downed by county personnel~~
14 ~~or by natural causes.~~

15 ~~(14) Personal Use. To be used only by the person obtaining a permit and~~
16 ~~not for re-sale.~~

17 ~~(15) "Civil forfeiture property" means property acquired or held by the~~
18 ~~county as a result of a civil forfeiture action authorized by Chapter 10.46 SCC,~~
19 ~~unless and until the property is retained for official use.~~

20 ~~(16) “Capiltalized asset” means any fixed asset that meets the~~
21 ~~capitalization requirements established by the department of finance pursuant to~~
22 ~~SCC 2.100.030(5))~~

23
24 Section 4. Snohomish County Code Section 4.46.110, last amended by
25 Amended Ordinance No. 07-015 on March 21, 2007, is amended to read:

26
27 **4.46.110 ((County property)) Property management division established –**
28 **((Administrator's)) Property officer appointment and ((general**
29 **duties))authority.**

30
31 The county property management division is hereby established within the
32 department of facilities management and empowered to act as the county's
33 administrative agency for the management and disposition of county property
34 ((management)). The ((administrator of the property management division shall
35 be appointed by the executive or his or her designee, and)) director of the
36 department of facilities management shall appoint a property officer to
37 ((supervise)) manage all responsibilities entrusted and to exercise the authority
38 granted to the property management division ((pursuant to this chapter and, to
39 this end shall:

40 ~~(1) Review and make recommendations regarding the present use, future~~
41 ~~use and disposition of county held real and personal property.~~

42 ~~(2) Recommend declaring the county owned personal or titled real~~
43 ~~property as surplus and recommend appropriate disposition.~~

44 ~~(3) Perform administrative duties as defined within chapter 4.46 SCC or as~~
45 ~~delegated by the executive.~~

1 (4) ~~Submit annual budget estimates for the division as provided in SCC~~
2 ~~4.26.030.~~

3 (5) ~~Select and employ such employees as are required to perform the~~
4 ~~duties of the division, in compliance with the county personnel system).~~

5
6 Section 5. Snohomish County Code Section 4.46.115, last amended by
7 Amended Ordinance No. 07-102 on October 24, 2007, is amended to read:

8
9 **4.46.115 Property management division – ~~((Responsibilities and powers~~**
10 **~~regarding county personal property.)) Administrative responsibilities.~~**

11
12 ~~((The))~~ Except as otherwise provided by ordinance or as delegated by executive
13 order, the property management division shall be ((the sole organization))
14 responsible for the administrative ((process of tagging, inventorying and
15 disposing)) processes relating to the acquisition, management and disposition of
16 ((personal)) property owned, leased, or otherwise held by the county. In
17 exercising this responsibility, the ((The)) property management division shall:

18 (1) Assign an identification number to each item of personal property
19 ~~((with a value over \$5,000.00))~~ that is a capitalized asset;

20 (2) Maintain original vehicle and equipment titles except ~~((that owned and~~
21 ~~operated by))~~ titles to vehicles and equipment purchased or maintained through
22 the equipment rental and revolving fund, which shall be maintained by the fleet
23 management division of the department of facilities management;

24 (3) ~~((Complete))~~ Conduct inventory audits((-)) and maintain inventory
25 records for county property;
26 ~~((Each department shall be responsible for maintaining all personal property for~~
27 ~~which it is custodian until transferred to another department.))~~

28 (4) Consolidate personal property into lots when doing so provides an
29 advantage with respect to its management or disposition;

30 (5) Determine the fair market value of surplus property by appraisal,
31 market study, or other means appropriate to the type of property and determine
32 whether, based on such fair market value and disposition costs, the surplus
33 property is worthless;

34 (6) Maintain all original deeds, easements, reservations of mineral rights
35 and other documents evidencing title to real property except those documents
36 relating to property held for county road purposes, which shall be maintained by
37 the department of public works;

38 (7) Maintain all original lease and license agreements except:

39 (a) agreements relating to property within the boundaries of the
40 Snohomish county airport, which shall be maintained by the Snohomish
41 county airport manager;

42 (b) license agreements approved under SCC 2.32.150, which shall
43 be maintained by the department of parks and recreation; and

1 (c) residential leases of real property within the custodianship of the
2 department of parks and recreation, which shall be maintained by the
3 department of parks and recreation.

4 (8) Act as the designee of the county treasurer under RCW 36.34.080 as
5 now enacted or hereafter amended;

6 (9) Recommend removing the tax title status of property by paying the
7 outstanding taxes as provided in RCW 36.35.150(1) if the property may have use
8 for a public purpose;

9 (10) Advertise the disposition of surplus property as provided in SCC
10 4.46.250 or as otherwise required by applicable law;

11 (11) Execute all documents for which the property management division is
12 granted signature authority;

13 (12) Conduct or approve the conduct of the disposition of all surplus
14 county property except disposition of property approved and conducted by the
15 purchasing manager or fleet manager pursuant to SCC 4.46.201;

16 (13) Execute all documents necessary to complete transactions for which
17 the property officer has approval authority.

18
19 Section 6. A new section is added to Chapter 4.46 of the Snohomish County
20 Code to read:

21
22 **4.46.121 Personal property – Departmental responsibilities.**

23
24 Each county department shall:

25 (1) Maintain all personal property for which it is custodian;

26 (2) Promptly notify the property management division of any personal
27 property surplus to its needs;

28 (3) No later than the date in November designated by the property officer,
29 submit to the property management division a capitalized asset inventory report
30 verified by the department head or his or her designee. The inventory report
31 shall provide the following information with respect to each capitalized asset that
32 has been in the custody of the department at any time since it submitted the
33 previous capitalized asset inventory report:

34 (a) property description;

35 (b) date acquired by the county;

36 (c) original purchase cost;

37 (d) the estimated life;

38 (e) county identification number; and

39 (f) date of departmental acquisition and/or disposition.

40 The property management division may require the department to submit
41 additional information to ensure the validity of a submitted inventory report or to
42 comply with the requirements of RCW 36.32.210 as now enacted or hereafter
43 amended;

1
2
3
4
5 Section 7. Snohomish County Code Section 4.46.125, added by Ordinance No.
6 93-137 on December 22, 1993, is amended to read:
7

8 **4.46.125 ~~((Duty to maintain inventory of personal property sold or disposed~~**
9 **~~of during preceding 12 months.))~~Personal property – Inventory and sales**
10 **reporting**
11

12 ((The)) Before February 15 of each year, the property management
13 division shall prepare and submit to the council for approval by motion, an
14 ((annual sales)) inventory and disposition report((, current as of the preceding
15 December 31, of all county personal property showing the date sold, name of
16 purchaser, sales price, type of sale, reason for disposal, and a sufficient
17 description to identify property. The sales report shall be submitted to the council
18 prior to February 15 of each year.)) listing all county capitalized assets held

19 during the previous calendar year under the standards set forth in RCW
20 36.32.210 as now enacted or hereafter amended, except that the fleet
21 management division of the department of facilities management shall prepare
22 and submit the report with respect to capitalized assets purchased and
23 maintained through the equipment rental and revolving fund.
24 ((The)) On the first Monday of March of each year, the property
25 management division shall ((advertise the filing of the sales)) file the approved
26 inventory and disposition report with the county auditor and make ((the
27 availability of)) the report available for public inspection in accordance with
28 ((RCW 36.32.215)) state law.
29

30
31 Section 8. Snohomish County Code Section 4.46.130, last amended by
32 Amended Ordinance No. 95-123 on January 3, 1996, is amended to read:
33

34 **4.46.130 ~~((Duty to determine when personal property is surplus.))~~Personal**
35 **property – Declaration of surplus property.**
36

37 ((Each county department shall promptly advise the property management
38 division of any personal property surplus to its needs, and the property
39 management division, when so advised, shall:

40 (1) ~~Determine~~) Upon receiving notice from a department head or his or
41 her designee that a lot or item of personal property is surplus to the department's
42 needs, the property management division shall determine whether another
43 department has a need for the property and, if so, shall transfer custodianship to
44 that department at such value as is required by law((;)).((

1 (2)) If no other department has a current or reasonably foreseeable future
2 need for such property, the property officer shall ~~((be declared))~~ declare the
3 property surplus to the foreseeable needs of the county~~((:~~

4 ~~When property is declared surplus, the property administrator shall review which~~
5 ~~of the following options are the most financially advantageous to the county:~~

6 ~~(a) Trade in for property that meets the needs of the county, as provided~~
7 ~~by SCC 4.46.130 and SCC 3.04.130(11);~~

8 ~~(b) Lease to a governmental agency;~~

9 ~~(c) Sale or lease to another governmental agency;~~

10 ~~(d) Public sale;~~

11 ~~(e) Recycle property when financially advantageous to the county;~~

12 ~~(f) Recycle property when financially advantageous to the county.~~

13 ~~(f) Declare the property to be worthless.~~

14 ~~If the property has an estimated market value less than \$5,000 the~~
15 ~~property administrator may authorize the disposal method.~~

16 ~~If it is \$5,000 or more, the property administrator shall),~~ determine its
17 fair market value, and recommend to the individual or body authorized to approve
18 disposition under SCC 4.46.201 of the most advantageous disposal method ~~((to~~
19 ~~the council)).~~

20
21 Section 9. A new section is added to Chapter 4.46 of the Snohomish County
22 Code to read:

23
24 **4.46.141 Personal property – Disposition of surplus property.**

25
26 The county may dispose of surplus personal property by:

27 (1) Public sale;

28 (2) Negotiated sale if the county offered the property for public sale
29 and did not receive a bid within the advertised minimum value and terms;

30 (3) Negotiated sale, lease, or trade to a governmental agency;

31 (4) Negotiated sale of cut or fallen timber for firewood;

32 (4) Trade for new equipment as provided in SCC 3.04.130(11);

33 (5) Recycling;

34 (6) Disposal or destruction;

35 (7) Any method approved by council motion if the council also
36 determines an emergency to exist with respect to the property; or

37 (8) Any method authorized by state law.

38 All disposition of surplus personal property shall be at the fair market value of the
39 property except that council may authorize disposition at less than fair market
40 value upon making a written finding that the approved disposition will promote a
41 county purpose consistent with article VIII, section 7, of the Washington
42 Constitution.

43
44 Section 10. A new section is added to Chapter 4.46 of the Snohomish County
45 Code to read:

1
2 **4.46.151 Real property – Departmental authority and responsibilities.**
3

4 (1) Each county department shall:

5 (a) Maintain all real property for which it is custodian;

6 (b) Promptly notify the property management division of any real property
7 for which it is custodian that is surplus to its needs.

8 (c) No later than the date in November designated by the property officer,
9 submit to the property management division a real property inventory
10 report verified by the department head or his or her designee. The
11 inventory report shall provide the following information with respect to
12 each parcel of real property which has been in the custody of the
13 department at any time since it submitted the previous real property
14 inventory report:

15 (i) parcel description;

16 (ii) present use;

17 (iii) cost of improvements made since the department submitted
18 the previous real property inventory report; and

19 (iv) whether the department considers the property surplus to its
20 future needs.

21 (2) The prosecuting attorney may file an action to quiet title with regard to real
22 property for which there is a legitimate dispute as to the county's title upon a
23 referral from the property officer, executive, or council;

24 (3) The property officer may approve, accept, and execute as necessary,
25 documents or deeds that:

26 (a) Correct errors in prior documents or deeds; and

27 (b) Resolve improper road reservations in treasurer's deeds.
28

29 Section 11. A new section is added to Chapter 4.46 of the Snohomish County
30 Code to read:

31
32 **4.46.161 Real property – Inventory and sales reporting.**
33

34 Before February 15 of each year, the property management division shall
35 prepare and submit to the council an inventory and disposition report listing all
36 county real property held during the previous calendar year, except county road
37 right-of-way. With respect to property held on the previous December 31, the
38 report shall provide a parcel description, acreage, date and cost of acquisition,
39 improvements, whether the property is tax title property, and the current
40 custodial department. With respect to property disposed of during the previous
41 calendar year, the report shall provide a parcel description, date of sale,
42 purchaser, and the amount paid.
43
44
45

1
2
3
4
5 Section 12. Snohomish County Code Section 4.46.165, added by Ordinance No.
6 09-109 on October 28, 2009, is amended to read:

7
8 **4.46.165 Real Property - Assignment of names to county buildings and**
9 **other facilities.**

10
11 Except as provided in SCC 2.18.070 for county parks and recreation facilities
12 managed by the department of parks and recreation, authority to assign names
13 to county buildings, parks, and other facilities shall be vested exclusively in the
14 county council.

15
16 Section 13. Snohomish County Code Section 4.46.170, last amended by
17 Amended Ordinance No. 99-051 on June 30, 1999, is amended to read:

18
19 **4.46.170 ~~((Duty to inventory and to declare real property surplus))~~Real**
20 **property – Declaration of surplus property.**

21
22 ~~((The property management division shall prepare an inventory, current as of the~~
23 ~~preceding December 31, of all county owned real property showing cost, if~~
24 ~~known, method of acquisition, current departmental custodianship, present and~~
25 ~~estimated value, special characteristics, and improvements affecting its~~
26 ~~economic value and~~
27 ~~potential uses. The property management division shall submit the inventory to~~
28 ~~the council by February 15 of each year, PROVIDED That real property acquired~~
29 ~~for the sole use of a road right of way shall not be included on such inventory.~~

30
31 County departments having custodianship of real property shall provide, no later
32 than November 1 of each calendar year, a list of each property, its present use,
33 cost of improvements made that year and any property considered surplus to the
34 department's future needs to the property management division. The)) Upon
35 receiving notice from a department head or his or her designee that a parcel of
36 real property is surplus to the department's needs, or as otherwise directed by
37 the executive or council, the property ((administrator)) officer shall review and
38 make recommendations to the ((council for disposal of surplus real property in
39 accordance with SCC 4.46.160. Possible uses to be considered shall
40 include:))individual or body authorized to dispose of the property under SCC
41 4.46.201 regarding its disposition. In making a recommendation, the property
42 officer shall consider:

- 43 (1) Other county use((-));
44 (2) Exchange for privately or publicly owned lands that meet future county
45 land needs((-));

- 1 (3) ~~Lease or license to nongovernmental parties((-));~~
- 2 (4) ~~Sale, ((or) lease or license to other governmental agencies((-));~~
- 3 (5) ~~Retention by the county if the parcel is contained within an~~
- 4 ~~environmentally sensitive area((- described as follows:~~
- 5 ~~(a) Property zoned as flood hazardous property.~~
- 6 ~~(b) Property zoned as slide hazardous property.~~
- 7 ~~(c) Wetlands recommended by the department of planning and~~
- 8 ~~development services for retention.~~
- 9 ~~(d) Access to public lakes, rivers, or creeks.~~
- 10 ~~(e) Areas determined by the public works department to contain~~
- 11 ~~hazardous waste sites.));~~
- 12 (6) ~~Long-term lease or sale for on-site development of affordable~~
- 13 ~~housing((- Affordable housing for the purpose of this ordinance means~~
- 14 ~~residential housing that is rented or owned by a person who qualifies as a~~
- 15 ~~very low income, low income, or moderate income household as those~~
- 16 ~~terms are defined in RCW 43.63A.510 as now or hereafter amended.));~~
- 17 ~~and~~
- 18 (7) ~~Public or negotiated sale.~~

19
20 Section 14. Snohomish County Code Section 4.46.175, added by Amended
21 Ordinance No. 99-051 on June 30, 1999, is amended to read:

22
23 **4.46.175 ((Sale of county real)) Real property – ((Affordable))Sales for**
24 **affordable housing.**

25
26 (1) ~~((Applicable Property. The County Property Administrator in))~~ In
27 ~~determining whether ((a)) surplus ((piece of county)) real property is suitable for~~
28 ~~use as affordable housing, the property officer shall consider ((the following~~
29 ~~criteria:~~

30 ~~(a) The surplus real))~~ whether the property lies within a designated Urban
31 ~~Growth Area ((of Snohomish County.));~~

32 ~~((b) The))~~ whether the underlying zoning for the property supports
33 ~~residential uses((-); and~~

34 ~~((c) The))~~ the availability of public services and transportation within a
35 ~~reasonable walking distance.~~

36 (2) ~~((Restriction on Use of Property.))~~ When ((the County Property
37 ~~Administrator submits))~~ making a formal recommendation ((to the County
38 ~~Council))~~ on the potential use of surplus county real property for affordable
39 ~~housing, ((this recommendation will include))~~ the property officer shall also
40 recommend ~~appropriate restrictions, if any, regarding future use of ((such~~
41 ~~real))~~ the property.

42
43 Section 15. A new section is added to Chapter 4.46 of the Snohomish County
44 Code to read:

1 **4.46.181 Real property – Disposition of surplus property**
2

3 The county may dispose of surplus real property by:

- 4 (1) Public sale;
- 5 (2) Negotiated sale if the county offered the property for public sale
6 and did not receive a bid within advertised minimum value and terms;
- 7 (3) Negotiated sale, lease, or trade to a governmental agency for
8 consideration sufficient to comply with RCW 43.09.210;
- 9 (4) Negotiated sale pursuant to a competitive selection process
10 approved by the council that requires the purchaser to contract with the
11 County to develop the property within parameters set by the selection
12 process;
- 13 (5) Negotiated sale or lease for on-site development of affordable
14 housing pursuant to a request for proposals approved by the council;
- 15 (6) Negotiated sale to the owner of adjoining real property if the
16 property sold is located:
- 17 (a) in unincorporated Snohomish County and does not meet the
18 minimum lot size or other dimensional requirements for residential
19 or commercial development under Title 30 SCC; or
- 20 (b) in an incorporated area and does not meet the minimum lot size
21 or other dimensional requirements for residential or commercial
22 development under the land development laws that apply to the
23 property;
- 24 (7) Negotiated sale of property originally acquired for road right-of-way
25 purposes to an individual or entity in order to comply with a legal obligation
26 to provide relocation assistance;
- 27 (8) Trade for real property of equal or greater value;
- 28 (9) Negotiated or publicly bid lease;
- 29 (10) Granting easements;
- 30 (11) Releasing reserved mineral rights;
- 31 (12) Any method approved by council motion should the council also
32 determine that an emergency exists with respect to the property; and
- 33 (13) Any method authorized by state law.

34 All disposition of surplus real property shall be at fair market value of the property
35 except that council may authorize disposition at less than fair market value upon
36 making a written finding that the approved disposition will promote a county
37 purpose consistent with article VIII, section 7, of the Washington Constitution.

38
39 Section 16. A new section is added to Chapter 4.46 of the Snohomish County
40 Code to read:

41 **4.46.191 Real property – Authority to execute licenses and permits.**
42
43

1 (1) Except as otherwise provided by ordinance, the execution of all
2 licenses and permits to occupy, use, or access county real property must be
3 approved by the council.

4 (2) The property officer may approve and execute:

5 (a) licenses and permits incidental to grants of easements
6 approved under SCC 4.46.201(2)(c); and

7 (b) licenses and permits to conduct surveys, soil testing, wetland
8 assessment, archeological assessment or similar observational or
9 investigatory activities after approval of insurance and indemnification
10 provisions by Risk Management.

11 (3) The executive may approve and execute:

12 (a) licenses and permits for non-commercial functions and events
13 supporting county operations or sponsored by county agencies at rates
14 approved by the council in the following facilities:

15 (i) Robert J. Drewel building 1st floor public meeting rooms
16 61F03 (125) and 61F07 (80), between the hours of 6:30 a.m. and
17 10 p.m., 7 days a week;

18 (ii) Robert J Drewel building conference rooms 6A02 (25),
19 6A03 (18), 6A04 (25), 6B04 (8) between the hours of 8:00 a.m. and
20 10 p.m., Monday through Friday (except county holidays).

21 (iii) 3000 Rockefeller Plaza and Amphitheater between the
22 hours of 6:30 a.m. and 10 p.m., 7 days a week.

23 Such licenses and permits shall reserve the right to cancel bookings to
24 accommodate county operational needs.

25 (b) licenses and permits to use discrete portions of the
26 Administration West building, Robert J. Drewel building, Mission building,
27 Carnegie building, Multi-Service building, courthouse facilities, and other
28 county buildings otherwise used for county administrative purposes at fair
29 market value for periods of four years or less after approval of insurance
30 and indemnification provisions by Risk Management;

31 (c) licenses and permits to occupy or use premises of the
32 Evergreen State Fairgrounds as provided in SCC 2.32.150;

33 (d) licenses and permits affecting any property under the
34 custodianship of the department of parks and recreation, including deeds
35 of right to use land for public recreation purposes, hazardous substances
36 certifications required for property acquired with funds granted by the
37 recreation and conservation office, and declarations and other documents
38 imposing protective covenants, conditions, and other restrictions on
39 property acquired with funds granted by the state conservation futures
40 program; and

41 (e) licenses and permits to occupy, use or access the Snohomish
42 County Airport as provided in SCC 2.10.010(12);

43 (f) licenses and permits incidental to haul route agreements and
44 waste reduction and recycling grant contracts as provided in SCC
45 2.10.010(17) and SCC 2.10.010(20); and

1 (g) licenses and permits required under SCC 10.06.030.

2 (4) The executive shall submit an annual report to the council not later
3 than February 15th of each year showing the licenses and permits approved
4 under this section and their parties, consideration, duration, and the terms of any
5 amendments.

6
7 Section 17. A new section is added to Chapter 4.46 of the Snohomish County
8 Code to read:

9
10 **4.46.201 County property – Authority to approve disposition of surplus**
11 **property.**

12
13 (1) Except as provided in this section or as otherwise provided by
14 ordinance, the council must approve the method used for the disposition of
15 surplus county property.

16 (2) The property officer may approve the disposition of surplus property in
17 the following circumstances:

18 (a) Sales of county property valued at \$10,000 or less;

19 (b) Recycling, disposal, or destruction of county personal property if
20 the property is worthless;

21 (c) Grants of easements on county real property for the installation
22 or maintenance of utilities to county property; and

23 (d) Releases of mineral rights reserved in treasurer's deeds if
24 mineral surveys indicate the absence of minerals with market value in
25 excess of the cost to remove the minerals.

26 (3) The executive may approve the disposition of surplus property in the
27 following circumstances:

28 (a) Sales of county property valued at \$25,000 or less;

29 (b) Recycling, disposal, or destruction of county personal property if
30 the property is worthless;

31 (c) Leases of the Snohomish County Airport as provided in SCC
32 2.10.010(12).

33 (d) Leases of residential county property for residential purposes.

34 (4) The purchasing manager may approve and conduct the disposition of
35 surplus county personal property traded for new equipment as provided in SCC
36 3.04.130(11) after notifying the property officer.

37 (5) The fleet manager may approve and conduct the disposition of surplus
38 property through public sales of county fleet vehicles and equipment valued at
39 \$25,000 or less.

40 (6) The disposition approval authority granted to an individual in an
41 executive department by this section includes the authority to execute all
42 documents necessary to effectuate the disposition absent an executive order
43 limiting such authority to another individual.

1 Section 18. A new section is added to Chapter 4.46 of the Snohomish County
2 Code to read:

3
4 **4.46.211 County property – Conduct of Public Sales and Leases.**

5
6 (1) Public sales and leases of county property shall be made to the
7 highest responsible bidder at public auction, sealed bid auction, or any other
8 auction method through which the county or contracted auctioneer can receive
9 bids from the general public within advertised terms.

10 (2) In determining the highest responsible bidder for leases, in addition to
11 the amount of rent bid, the county may consider the character, integrity, and
12 reputation of the bidder; compliance by the bidder with the terms of other real
13 property leases; and other relevant information stated within the advertised
14 terms.

15 (3) In the case of tie bids in a sealed bid or similar auction, the County
16 may solicit tie bidders to submit a second bid that is no less than the amount of
17 the tie bid at a time, place and manner determined by the property officer.

18 (4) The county may, if deemed to be in the best interest of the county,
19 reject any and all bids and either withdraw the property from sale or lease, call for
20 new bids, or sell or lease the property under any other authorized method.

21
22
23 Section 19. Snohomish County Code Section 4.46.250, last amended by
24 Amended Ordinance No. 93-137 on December 22, 1993, is amended to read:

25
26 **4.46.250 ~~((Advertisement of sale))Disposition administration – Advertising~~**
27 **Requirements.**

28
29 (1) The property management division shall advertise ~~((the)) sales~~ in a
30 manner most appropriate to effect an advantageous sale, which shall include the
31 following minimum requirements: ~~((When real or personal property regularly~~
32 consolidated for sale has an estimated market value of \$5,000 or more, the same
33 may be sold at a public))

34 (a) For public sale of property valued at less than \$5,000, by
35 publishing notice at least five days before the sale in a legal newspaper of
36 general circulation or a newspaper having general circulation in the
37 county;

38 (b) For public sale ~~((following publication of)) of property valued at~~
39 \$5,000 or more, by publishing a notice that describes the property and
40 advises interested purchasers of the time and place of sale in a legal
41 newspaper of general circulation at least once a week for two consecutive
42 weeks, the last notice to appear no more than five days ~~((prior to)) before~~
43 the date of sale~~((No notice of sale shall be required for sale to a~~
44 governmental agency. Where the council has determined an emergency
45 to exist as defined in SCC 4.46.010(9), such reasonable notice as is

1 commensurate with the fact of the emergency shall be given for the
2 purpose of providing the public with knowledge of the sale and to establish
3 value.);

4 (c) For negotiated sales of property pursuant to SCC 4.46.141(2) or
5 SCC 4.46.181(2) after an unsuccessful public sale, by publishing a
6 notice that describes the proposed terms of sale, any non-negotiable
7 terms, and whether the County will open the negotiated sale process to
8 proposals from interested parties, in a legal newspaper of general
9 circulation or a newspaper having general circulation in the county at least
10 once a week for two consecutive weeks before an offer is accepted by the
11 county; and

12 (2) The property officer may waive advertising requirements imposed by
13 this section if:

14 (a) the cost of administration, advertisement, and maintaining
15 property awaiting sale during the period required to follow the advertising
16 requirements would exceed the value of the property;

17 (b) the council has determined an emergency to exist with respect
18 to the property; or

19 (c) state law imposes different advertising requirements.

20 (3) When an advertisement is required or is waived under this section,
21 ((a)) the notice ((for a)) of sale shall be posted in the courthouse ((in accordance
22 with RCW 36.34.090)) at least three days before the sale.

23 (4) ((An advertisement of sale shall)) In the case of real property, the
24 notice shall describe the property by both its legal description and street address,
25 ((if any,)) or if ((none)) there is no street address, by a vicinity description. If real
26 property is offered for sale on other than a cash basis, the terms must be stated
27 in the advertisement.

28
29 Section 20. Snohomish County Code Section 4.46.300, last amended by
30 Amended Ordinance No. 93-137 on December 22, 1993, is amended to read:

31
32 **4.46.300 Disposition administration – Payment of monetary consideration**
33 **for personal property.**

34
35 ((Sales of personal property must be paid for)) The county may not transfer
36 possession of sold county personal property until all monetary proceeds are
37 received in cash((;)) or by certified check ((or)), cashier's check ((prior to release
38 of sold properties)), or electronic funds transfer. Failure to comply with terms of
39 sale by a purchaser will result in forfeiture of any and all monies paid. ((When
40 personal property is transferred to a governmental agency, traded in on the
41 purchase of another article or traded for another article of similar value
42 departments shall comply with chapters 4.46 and 3.04 SCC.))

43
44 Section 21. Snohomish County Code Section 4.46.310, added by Resolution on
45 December 18, 1978, is amended to read:

1
2 **4.46.310 ((Title))Disposition administration – Transfer of title.**
3

4 In no case shall the title to county property be transferred until the purchase price
5 has been paid.
6

7 Section 22. Snohomish County Code Section 4.46.320, last amended by
8 Amended Ordinance No. 93-137 on December 22, 1993, is amended to read:
9

10 **4.46.320 Disposition administration – Disposition of proceeds of personal**
11 **property sales.**
12

13 The treasurer ((is authorized to)) may establish such funds and accounts as may
14 be necessary to deposit personal property sales proceeds until final disposition.
15 ((The county must deposit final personal property sale proceeds to the fund
16 account from which the original purchase price was paid according to RCW
17 36.34.120.))
18

19 Section 23. A new section is added to Chapter 4.46 of the Snohomish County
20 Code to read::
21

22 **4.46.325 – Disposition administration – Prohibition on disposition to county**
23 **employees.**
24

25 No interest in county property disposed of under this chapter may be sold, leased
26 or otherwise transferred, directly or indirectly, to an employee of the county,
27 except residential property within the custodianship of the department of parks
28 and recreation may be leased to employees upon approval of the executive.
29

30
31 Section 24. Snohomish County Code Section 4.46.335, last amended by
32 Amended Ordinance No. 93-137 on December 22, 1993, is amended to read:
33

34 **4.46.335 ((Lease of real property)) Real property leases – Payment of**
35 **prevailing wages ((required for construction of improvements)).**

36 (1) No lease, amendment to a lease, or extension of a lease of county-
37 owned real property shall be entered into unless the lessee, successors or
38 assigns agree, as a term of the lease, that all contracts for any work,
39 construction, alteration, repair or improvement((s)) to said leasehold, other than
40 ordinary maintenance, require the contractor or developer to comply with the
41 prevailing wage provisions of RCW 39.12.010 through 39.12.030 as if the project
42 were a public work as defined in RCW 39.04.010 except as provided herein.
43 Said lease shall provide by its terms that failure to comply with the provisions of
44 this section shall constitute a default of said lease resulting in its termination
45 unless said default is cured 30 days after notice thereof. Responsibility for

1 ensuring compliance with this section rests entirely with the leaseholder, and in
2 no way with the county. All persons entering into a lease, amendment, or
3 extension of a lease of county-owned real property after May 1, 1993, shall be
4 deemed to have entered into such lease, amendment or extension with
5 knowledge of this section and shall be bound by the terms thereof as a material
6 provision of said lease, except as provided in SCC 4.46.335(2).

7 (2) ~~((All of the following will))~~ Unless a project or work is a public work as
8 defined in RCW 39.04.010, the leaseholder shall be exempt from compliance
9 with the prevailing wage provisions of SCC 4.46.335(1) in the following
10 circumstances:

11 (a) Construction/remodeling jobs where the entire project cost is
12 less than \$5,000 ~~((PROVIDED That)), but~~ no project ~~((shall))~~ may be
13 subdivided or otherwise disaggregated so as to enable ~~((such))~~ the project
14 or any part of it to be exempt from compliance with the prevailing wage
15 provisions of SCC 4.46.335(1);

16 (b) Construction/remodeling jobs where the work is entirely
17 performed by the leaseholder or leaseholder's regular on-going full time
18 employees;

19 (c) Janitorial building maintenance contracts ~~((this exemption shall~~
20 ~~not apply to))~~ not associated with construction site clean up work((:));

21 (d) Any construction, reconstruction, maintenance or repair in
22 progress ~~((at the effective date of this section))~~ on January 1, 1994;

23 (e) ~~((Any amendment, restatement, sublease, or assignment of any~~
24 ~~existing lease initiated by the county;~~

25 ~~((f) Any existing))~~ The leasehold emanates from a lease of county
26 owned real property executed before January 1, 1994, or from an
27 amendment, restatement, sublease, or assignment of such a lease that is
28 initiated by the county((:))

29 ~~((g) Any lease of county owned real property for which application~~
30 ~~has been made prior to the effective date of this section PROVIDED That~~
31 ~~this exemption will expire December 31, 1994))~~.

32 (3) Proof of compliance with the terms of this section shall be provided by
33 the lessee in such form as required by the property management division.
34

35 Section 25. Snohomish County Code Section 4.46.360, last amended by
36 Amended Ordinance No. 93-137 on December 22, 1993, is amended to read:

37
38 **4.46.360 Real property leases – Application ((to lease--Procedures to be**
39 **followed by prospective lessees))procedures.**

40
41 All applications to lease county real property shall be submitted to the property
42 management division, except applications for residential leases of residential real
43 property managed by the department of parks and recreation shall be submitted
44 to the department of parks and recreation ((in the manner prescribed by the
45 division)). The county may require that applicants submit a deposit or bid bond, in

1 the form of a cashier's or certified check, ~~((accompany))~~with each application or
2 bid. ~~((In case the lands applied for are leased to another party, the))~~ Any deposit
3 or bid bond submitted by an unsuccessful applicant shall be returned to the
4 applicant. If the accepted applicant fails to execute the lease or refuses to
5 comply with the terms of the application, the deposit or bid bond shall be forfeited
6 to the county, and such funds shall be deposited in the current expense fund.
7
8
9

10 Section 26. Snohomish County Code Section 4.46.370, last amended by
11 Amended Ordinance No. 11-029 on June 15, 2011, is amended to read:
12

13 **4.46.370 ~~((Lease provisions))~~Real property leases – Limitations as to term,
14 improvements, ~~((or alternative))~~ rent, and assignment.**
15

16 (1) The county may lease county-owned real property for a term ~~((of years
17 and upon such terms and conditions as may be deemed in the best interests of
18 the public and the county. Lease terms shall not be for longer than))~~ not to
19 exceed 10 years, except as follows:

20 (a) When the council determines it to be in the best public interest,
21 the county may lease real property necessary to the support or expansion
22 of an adjacent facility ~~((may be leased))~~ to the lessee ~~((of the adjacent
23 facility, but not to exceed 35 years,))~~ or ~~((to the))~~ owner of ~~((an))~~ the
24 adjacent facility for a term not to exceed 35 years.

25 (b) When the council determines it to be in the best public interest,
26 ~~((where the property to be leased is improved or is to be improved, and
27 the value of the improvement is or will be at least equal to the value of the
28 property to be leased, and will thereafter be county property,))~~ the county
29 may lease ~~((such))~~ real property for a term not to exceed 35 years if the
30 value of existing improvements not owned by the county, together with
31 those to be constructed at lessee expense under the terms of the lease,
32 equal or exceed the value of the real property and will become county
33 property under the terms of the lease.

34 (c) Where the property to be leased is to be used for major airport,
35 industrial or commercial purposes~~((, requiring))~~ that require extensive
36 improvements, the county may lease such property for a term equal to the
37 estimated useful life of the improvements, but not to exceed 75 years.

38 (d) Lease of agricultural fair property as provided in SCC 4.46.600.

39 (2) All leases of county-owned real property shall meet the following
40 requirements:

41 (a) The lessee shall not be permitted to improve or alter the leased
42 property in any manner without the prior written consent of the county
43 ~~((but))~~ and shall, before making any improvements or alterations, submit
44 plans and designs ~~((therefor))~~ to the county for approval to proceed with
45 the construction process.

1 (b) Unless otherwise (~~stipulated~~) specifically provided in the lease,
2 all improvements or alterations erected or made on the leased property
3 shall, on expiration or sooner termination of the lease, (~~belong to~~)
4 become the property of the county without compensation to lessee(~~;~~
5 ~~PROVIDED, HOWEVER, That the~~). The county shall (~~have~~) retain the
6 option, (~~to be exercised on expiration or sooner termination of the~~
7 ~~lease~~) however, to require the lessee to remove any or all such
8 improvements or alterations. If the lessee fails substantially to make the
9 improvements or alterations required by the lease, the county may
10 terminate the lease (~~may be terminated~~) and retain all rentals paid (~~shall~~
11 ~~be forfeited~~) to the county.

12 (~~3~~) (c) No lease may be assigned or subleased without approval
13 by the county in writing.

14
15 Section 27. Snohomish County Code Section 4.46.380, last amended by
16 Amended Ordinance No. 93-137 on December 22, 1993, is amended to read:

17
18 **4.46.380 Real property leases – Rental readjustment requirement (~~--Long~~)**
19 **for long-term leases.**

20
21 Any lease of county owned property for a term (~~of~~) longer than five years shall
22 contain a provision requiring the lessee to permit the rent(~~al~~) to be adjusted and
23 fixed by the county every five years(~~;~~ ~~PROVIDED, That~~), although any lease
24 may provide for more frequent readjustments. (~~When the lease permits the~~
25 ~~county to adjust the rent, the county will give lessee written notice of the adjusted~~
26 ~~rent, in accordance with the terms of the lease. The rent as adjusted shall take~~
27 ~~effect no sooner than as provided by the lease and then 30 days after date of~~
28 ~~said notice unless lessee, within 30 days following receipt of notice from the~~
29 ~~county gives written notice of rejection of the adjusted rent. If lessee and the~~
30 ~~county cannot agree upon the rental adjustment, the rent for the period will be~~
31 ~~adjusted by arbitration. Lessee and the county will select one disinterested~~
32 ~~arbitrator each, and the two selected arbitrators will select a third. If the two~~
33 ~~arbitrators have not selected a third arbitrator within 30 days after the selection of~~
34 ~~the last selected of the two, either lessee or county may apply to the presiding~~
35 ~~judge of the Superior Court in the county for the appointment of a third arbitrator.~~
36 ~~Each arbitrator will be a qualified appraiser in accordance with the standards of~~
37 ~~the profession. If a licensing requirement for real estate appraisers is imposed~~
38 ~~by any legislation, each arbitrator will also be so licensed. The three arbitrators~~
39 ~~will determine a fair rent for the premises based upon the fair market rental value~~
40 ~~of the property, as previously defined. The decision of a majority of the arbitrators~~
41 ~~will bind both lessee and county. At the conclusion of the arbitration, the~~
42 ~~arbitrators will submit written reports to the lessee and county. The cost of the~~
43 ~~arbitration will be divided equally between lessee and the county.))~~

1 Section 28. Snohomish County Code Section 4.46.600, last amended by
2 Amended Ordinance No. 93-137 on December 22, 1993, is amended to read:

3
4 **4.46.600 Real property leases – Special use leases of agricultural fair**
5 **property.**
6

7 ~~((Leases of county-owned agricultural fair real property which conform with the~~
8 ~~provisions of this section shall not be subject to other provisions of this chapter~~
9 ~~with the exception of SCC 4.46.360 and 4.46.380.)) The ~~((council))~~county may
10 ~~((authorize the))~~ lease ~~((of))~~ agricultural fair property to a non-profit organization if
11 the terms of the lease are consistent with the following:~~

12 (1) The ~~((value))~~ consideration received ~~((from the lease of the property~~
13 ~~equals the property's))~~ must equal or exceed the fair market ~~((rental))~~
14 value ~~((as defined in chapter 4.46 SCC. Value received shall include))~~
15 considering funds paid to the county~~((;))~~; funds used to construct, improve
16 or maintain the county real property under the lease; and funds used for
17 county purposes whether by the county or the lessee.

18 (2) The term of the lease shall not exceed 35 years.

19 (3) The ~~((leased))~~ property shall be used for purposes that are compatible
20 with other uses of the fair property and the annual agriculture fair and, if
21 used for revenue producing purposes, the net revenue after payment of
22 reasonable expenses for the operation and administration of the revenue
23 producing activities, maintenance, and the cost of improvements to the
24 property shall be expended solely for county purposes whether by the
25 county or the non-profit lessee. The books and records of the lessee shall
26 be available and accessible at all times for inspection by the county
27 executive or his designee.

28 (4) The lease may provide for the exclusive use of some portions of the
29 leased property during the non-fair period or the joint use with provision for
30 adequate notice between lessee and the lessor.

31 (5) All proposed capital improvements ~~((which))~~that exceed \$50,000 shall
32 be approved by the council prior to the calling for bids.

33 (6) If the lease provides that the lessee may use the property during fair
34 operation, the leased property shall be used for fair purposes and such
35 use shall be a portion of the fair, further the general operation of the fair,
36 attract attendance to the fair, and comply with the general rules and
37 regulations of fair activities.

38 (7) The leased property may be sub-leased by the lessee for uses
39 consistent with this section only with written approval by the county~~((;~~
40 ~~PROVIDED, That the net))~~. Net proceeds of ~~((such))~~ sub-leases
41 ~~((shall))~~must be used in a manner consistent with ~~((the provisions set forth~~
42 ~~in))~~ subsection (3) of this section~~((; PROVIDED FURTHER, That all))~~ and
43 sub-lease agreements for a term exceeding 30 days ~~((shall))~~must be
44 approved by the ~~((county))~~ council.

1 (8) At the termination of the lease, all improvements on the property shall
2 revert to and become county property.
3

4 Section 29. Snohomish County Code Section 10.46.040, added by Ordinance
5 No. 04-014 on February 11, 2004, is amended to read:
6

7 **10.46.040 Civil forfeiture property - Duties.**
8

9 (1) The sheriff shall notify the property management division in writing when the
10 county acquires civil forfeiture property and when the county retains civil
11 forfeiture property for official use. The sheriff and property management division
12 shall inventory civil forfeiture property and property retained for official use ~~((to~~
13 ~~the extent required by))~~under the procedures set forth in SCC 4.46.115 through
14 4.46.125 and ((SCC 4.46.170))SCC 4.46.151 through 4.46.161, and shall
15 manage and dispose of property retained for official use under chapter 4.46. The
16 sheriff shall be the custodial department for civil forfeiture property and property
17 retained for official use.

18 (2) Upon the written recommendation of the sheriff or task force commander, the
19 property management division may declare real or personal civil forfeiture
20 property surplus to the needs of the county and may sell, lease, or otherwise
21 dispose of such property as provided in this chapter.

22 (3) The property management division may approve and sign all contracts with
23 real estate agents, appraisers, escrow agents, environmental risk analysts and
24 other professionals for professional services relating to the management and
25 disposition of civil forfeiture property and all contracts related to assessing
26 environmental contamination and other risk factors relevant to the decision to
27 acquire civil forfeiture property. In selecting professional service contractors, the
28 property management division shall consider the recommendations of the sheriff
29 and the task force commander and shall follow any applicable county selection
30 processes.

31 (4) The property management division shall advertise the sale, lease, or other
32 disposition of surplus civil forfeiture property under SCC 10.46.050 by publishing
33 notice in a legal newspaper of general circulation at least once a week for two
34 consecutive weeks before an offer is accepted by the county. In the case of real
35 property, the advertisement shall describe the property by both its legal
36 description and street address or, if there is no street address, by a vicinity
37 description.

38 (5) The property management division is granted signature authority to execute
39 all contracts, deeds, leases, licenses and other documents relating to the
40 management and disposition of civil forfeiture property under chapter 10.46 SCC.
41

42 Section 30. Snohomish County Code Section 10.46.050, added by Ordinance
43 No. 04-014 on February 11, 2004, is amended to read:
44

45 **10.46.050 Civil forfeiture property - Disposition of surplus property.**

- 1
2 (1) The county may dispose of surplus civil forfeiture property by:
3 (a) Public sale to the highest responsible bidder at public auction, sealed
4 bid auction, or any other auction method through which the county or
5 contracted auctioneer can receive bids from the general public within
6 advertised terms.
7 (b) Selling real property by private negotiation based upon the written
8 recommendation of the sheriff, approval of the property management
9 division, and under terms that include:
10 (i) Consideration that is no less than the appraised fair market value
11 of the property as established by a qualified appraiser working in
12 accordance with the standards of the profession;
13 (ii) Cash due at closing; and
14 (iii) Title transfer by quitclaim deed.
15 ~~((b))~~(c) Leasing real property by private negotiation, based upon the
16 written recommendation of the sheriff, approval of the property
17 management division, and under terms that include:
18 (i) Consideration that is no less than the appraised fair market
19 rental value of the property as established by a qualified appraiser
20 working in accordance with the standards of the profession;
21 (ii) The prevailing wage provisions set out in SCC 4.46.335;
22 (iii) A lease term of no more than two years;
23 (iv) The limitations on improvements, assignment, and subleasing
24 set out in SCC 4.46.370(2) ~~((and SCC 4.46.370(3)))~~; and
25 (v) Provision for the collection and payment of applicable leasehold
26 excise taxes.
27 ~~((e))~~(d) Selling personal property valued in excess of \$5,000 by private
28 negotiation based upon the written recommendation of the sheriff and
29 approval of the property management division.
30 ~~((d))~~(e) Selling personal property valued at equal to or less than \$5,000
31 by private negotiation with approval of the property management division.
32 ~~((e))~~(f) Destroying or otherwise disposing of personal property valued at
33 equal to or less than \$5,000 based upon the written recommendation of
34 the sheriff or task force commander and with the approval of the property
35 management division.
36 (2) No interest in civil forfeiture property leased, sold, or otherwise disposed of
37 under this section may be sold, leased or otherwise transferred, directly or
38 indirectly, to an employee of the county or, if the property is held by the county on
39 behalf of itself and other jurisdictions under the terms of an interlocal agreement,
40 an employee of a jurisdiction participating in the interlocal agreement. In addition
41 to its ordinary meaning, the term "employee" for purposes of this section includes
42 former employees involved in the criminal investigation that led to forfeiture of the
43 civil forfeiture property at issue and any person involved in an action authorized
44 under this chapter with respect to that property.
45

1 Section 31. Snohomish County Code Section 30.41B.020, last amended by
2 Amended Ordinance No. 12-049 on October 3, 2012, is amended to read:

3
4 **30.41B.020 Exemptions.**

5
6 The provisions of this chapter shall not apply to:

- 7 (1) Cemeteries and other burial plots while used for that purpose;
8 (2) Divisions made by testamentary provisions or the laws of descent;
9 (3) Any division of land regulated by chapter 30.41A SCC;
10 (4) Boundary line adjustments completed pursuant to chapter 30.41E
11 SCC;
12 (5) Condominiums when prepared and filed in accordance with the
13 Horizontal Property Regimes Act, chapter 64.32 RCW, or the Condominium Act,
14 chapter 64.34 RCW;
15 (6) Assessor's plats, when prepared and filed in accordance with the
16 provisions of RCW 58.18.010 and when the lot size requirements of this code
17 have been met;
18 (7) Division of land into lots, tracts, or parcels each of which is at least
19 one-eighth of a section of land or larger, or 80 acres or larger in size if the land is
20 not capable of subdivisional description;
21 (8) Divisions of land pursuant to the binding site plan provisions of chapter
22 30.41D SCC;
23 (9) Divisions of land due to condemnation or sale under threat thereof, by
24 an agency or division of government vested with the power of condemnation;
25 (10) Any division where no permanent road may be constructed and
26 where restrictive covenants or lease provisions prohibit construction of buildings
27 of a type that permits human occupancy, overnight camping, or other human
28 habitation;
29 (11) Transfers of land to the county for open space, conservation, or park
30 purposes. Any remaining area must meet the minimum requirements of SCC
31 30.23.230(1). The land remaining must meet the minimum access requirements
32 of SCC 30.24.040 and SCC 30.24.055(~~and~~);
33 (12) Sales of tax title property to an adjoining property owner by the
34 county pursuant to (~~SCC 4.46.160(5))~~SCC 4.46.181(13) and RCW
35 36.35.150(3); and
36 (13) A division for the purpose of leasing land for facilities providing
37 personal wireless services while used for that purpose.
38
39

40 Section 32. The following ordinances or parts of ordinances are each repealed:

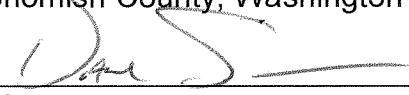
- 41
42 (1) Snohomish County Code Section 4.46.120, last amended by Amended
43 Ordinance No. 93-137 on December 22, 1993;
44 (2) Snohomish County Code Section 4.46.140, last amended by Amended
45 Ordinance No. 93-137 on December 22, 1993;

- 1 (3) Snohomish County Code Section 4.46.150, last amended by Amended
2 Ordinance No. 93-137 on December 22, 1993;
- 3 (4) Snohomish County Code Section 4.46.160, last amended by Amended
4 Ordinance No. 93-137 on December 22, 1993
- 5 (5) Snohomish County Code Section 4.46.180, last amended by Amended
6 Ordinance No. 93-137 on December 22, 1993;
- 7 (6) Snohomish County Code Section 4.46.190, last amended by Amended
8 Ordinance No. 93-137 on December 22, 1993;
- 9 (7) Snohomish County Code Section 4.46.200, last amended by Amended
10 Ordinance No. 93-137 on December 22, 1993;
- 11 (8) Snohomish County Code Section 4.46.210, last amended by
12 Ordinance 93-137 on December 22, 1993;
- 13 (9) Snohomish County Code Section 4.46.215, last amended by Amended
14 Ordinance No. 93-137 on December 22, 1993;
- 15 (10) Snohomish County Code Section 4.46.220, last amended by
16 Amended Ordinance No. 93-137 on December 22, 1993;
- 17 (11) Snohomish County Code Section 4.46.230, last amended by
18 Amended Ordinance No. 93-137 on December 22, 1993;
- 19 (12) Snohomish County Code Section 4.46.240, last amended by
20 Amended Ordinance No. 93-137 on December 22, 1993;
- 21 (13) Snohomish County Code Section 4.46.260, last amended by
22 Amended Ordinance No. 08-009 on February 27, 2008;
- 23 (14) Snohomish County Code Section 4.46.270, last amended by
24 Amended Ordinance No. 93-137 on December 22, 1993;
- 25 (15) Snohomish County Code Section 4.46.280, last amended by
26 Amended Ordinance No. 93-137 on December 22, 1993;
- 27 (16) Snohomish County Code Section 4.46.290, last amended by
28 Amended Ordinance No. 93-137 on December 22, 1993;
- 29 (17) Snohomish County Code Section 4.46.330, last amended by
30 Ordinance No. 11-029 on June 15, 2011;
- 31 (18) Snohomish County Code Section 4.46.340, last amended by
32 Amended Ordinance No. 93-137 on December 22, 1993;
- 33 (19) Snohomish County Code Section 4.46.350, last amended by
34 Amended Ordinance No. 93-137 on December 22, 1993;
- 35 (20) Snohomish County Code Section 4.46.390, last amended by
36 Amended Ordinance No. 93-137 on December 22, 1993;

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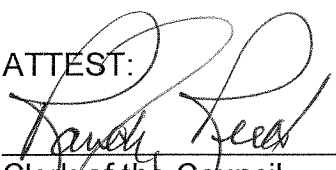
PASSED this 24th day of September 2014.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



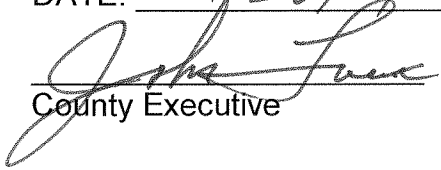
Chairperson

ATTEST:



Clerk of the Council

- APPROVED
- EMERGENCY
- VETOED

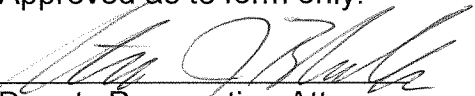
DATE: 9/30/14


County Executive

ATTEST:



Approved as to form only:



Deputy Prosecuting Attorney