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SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

ORDINANCE NO. 93-137

AMENDING SNOHOMISH COUNTY CODE 4.46  
PROCEDURES FOR MANAGEMENT AND DISPOSITION OF COUNTY-OWNED  
PERSONAL AND REAL PROPERTY

BE IT ORDAINED:

Section 1. Snohomish County Code chapter 4.46, last amended by Ordinance 93-032 on April 14, 1993, is amended to read:

CHAPTER 4.46

PROCEDURES FOR MANAGEMENT AND DISPOSITION OF COUNTY OWNED  
PERSONAL AND REAL PROPERTY

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~~((ARTICLE I. DEFINITIONS))~~

4.46.005 Purpose. The purpose of this chapter is to establish comprehensive and standardized procedures for the management of county personal and real property consistent with public interest.

4.46.010 ~~((Board of county commissioners))~~ Definitions. The ~~((board of county commissioners (hereinafter board) is defined for purposes of this chapter as the governing authority of Snohomish County, as established by Chapter 36.32 RCW))~~ following definitions shall apply throughout this chapter.

(1) Council. The council is the governing authority of Snohomish County, within the scope of the definition in the Snohomish County charter.

(2) Executive. The executive is defined for the purpose of this chapter within the Snohomish County charter.

~~((4.46.020))~~ (3) Property management ~~((department))~~ division. The property management ~~((department))~~ division is established pursuant to provisions of this chapter ~~((and is responsible))~~ for the management and disposition of ~~((all))~~ real and personal property owned or otherwise held by Snohomish County.

~~((4.46.030))~~ (4) Property ~~((management director))~~ administrator. The property ~~((management director))~~ administrator is ~~((defined for purposes of this chapter as))~~ that county officer appointed by the ~~((board))~~ executive or his or her designee, who is charged with the responsibility of administering the provisions of this chapter and supervising ~~((the))~~ property management ~~((department))~~.

~~((4.46.040))~~ (5) Fair market rental value. Fair market rental value is ~~((defined as))~~ an amount in the competitive market that a well-informed and willing lessor who desires but is not required to lease, would accept, and which a well-informed and willing lessee who desires but is not required to lease, would pay for the temporary use of the premises, after due consideration of all the elements reasonably affecting value.

~~((4.46.050))~~ (6) Depreciated value. Depreciated value is ~~((defined as))~~ the purchase cost of ~~((an item or lot of goods))~~ property less depreciation.

~~((4.46.060))~~ (7) Estimated market value. Estimated market value is ~~((defined as))~~ the probable sale value of ~~((a used item or lot of goods))~~ property as between a willing seller, who desires but is not required to sell and a willing purchaser, who desires but is not required to buy, assuming both are knowledgeable as to all uses to which the property can be put.

~~((4.46.070))~~ (8) Lot. A lot is ~~((defined as))~~ a number of ~~((goods))~~ properties of a like kind, serving a similar purpose.

~~((4.46.080))~~ (9) Emergency. An ~~((Emergency))~~ emergency is an occurrence whereby county property would suffer material injury, loss or damage by delay of action.

~~((4.46.090))~~ (10) Expendable property. Expendable property is that property which, when committed to the purpose intended, has its usefulness consumed and thereafter has no further value.

~~((4.46.100))~~ (11) Worthless property. Worthless property is that property which when processed in the manner most advantageous to the county cannot reasonably be sold for an amount sufficient to recoup the cost of sale or of disposal.

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

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

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

~~((ARTICLE II. PROPERTY MANAGEMENT DEPARTMENT DUTIES))~~

4.46.110 County property management ((department)) division established -- ((Director's)) Administrator's appointment and general duties. The ~~((Snohomish County))~~ county property management ((department)) division is hereby established and empowered to act as the ~~((board's))~~ county's administrative ~~((authority in the))~~ agency for property management ((area)). The ~~((director))~~ administrator of the property management ((department)) division shall be appointed by ~~((and serve at the pleasure of the board))~~ the executive or his or her designee, ((shall report through the director of administrative services,)) and shall supervise all responsibilities entrusted to the ~~((department))~~ division pursuant to this chapter and, to this end shall:

~~((a))~~ (1) Review and make recommendations regarding the present ~~((and))~~ use, future use and disposition of county-held real and personal property ~~((+ and, where appropriate))~~.

~~((b))~~ (2) Recommend declaring ~~((of))~~ the county-owned personal or titled real property as surplus and recommend appropriate ~~((the same for))~~ disposition.

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

(4) Submit an annual budget request for the division as required by the executive.

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

4.46.115 Property Management Division--Responsibilities and powers regarding county personal property. The property management division shall be the sole organization responsible for the administrative process of tagging, inventorying and disposing of personal property. The property management division shall:

(1) Assign a tag to all personal property with a value over five hundred dollars.

(2) Maintain original vehicle and equipment titles except that owned and operated by the equipment rental and revolving fund.

(3) Complete inventory audits.

Each department shall be responsible for maintaining all personal property for which it is custodian until transferred to another department.

4.46.120 Duty to maintain inventory of personal property.

All county departments shall submit signed annual personal property inventories to the property management division by a date in November as set by the property administrator.

The property management ~~((department, personal property))~~ division shall ~~((prior to the first Monday in March of each year))~~ prepare an annual inventory, current as of the preceding December 31, of all county-owned personal property showing date of acquisition, cost, and, if not purchased, the method of acquisition, current departmental custodianship and estimated value; provided, that items of personal property classified as expendable need not be inventoried. Where methods of assigning a number to each item is impractical, methods of accounting by class or in bulk may be established. The inventory shall be submitted to council prior to February 15 of each year.

The council shall approve the inventory and the property management division shall record the inventory in accordance with RCW 36.32.210.

The property management division shall advertise the filing of the inventory and the availability of the inventory for public inspection in accordance with RCW 36.32.215.

4.46.125 Duty to maintain inventory of personal property sold or disposed of during preceding twelve months.

The property management division shall prepare an annual sales report, current as of the preceding December 31, of all county personal property showing the date sold, name of purchaser, sales price, type of sale, reason for disposal, and a sufficient description to identify property. The sales report shall be submitted to the council prior to February 15 of each year.

The property management division shall advertise the filing of the sales report and the availability of the report for public inspection in accordance with RCW 36.32.215.

4.46.130 Duty to determine when personal property is surplus.

Each county department shall promptly advise the property management ~~((department))~~ division ~~((if))~~ of any personal property ~~((is))~~ surplus to its needs, and the property management ~~((department))~~, division when so advised, shall:

~~((a))~~ (1) Determine whether another department has a need for the property and, if so, transfer custodianship to that department at such value as is required by law. ~~((but))~~

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

When property is ~~((so surplus))~~ declared surplus, the property ~~((management—director))~~ administrator shall review ~~((whether))~~ which of the following options are the most financially advantageous to the county:

~~((a))~~ (1) Trade-in for property that meets the needs of the county, as ~~((further provided herein))~~ provided by SCC 4.46.130 and SCC 3.04.130 (11). ~~((and))~~

~~((b))~~ (2) Lease to a nongovernmental agency. ~~((and))~~

~~((c))~~ (3) Sale or lease to another governmental agency. ~~((and))~~

(4) Public sale.

(5) Declare the property to be worthless.

If the property has a value less than ~~((\$1,000))~~ five thousand dollars, the property ~~((management—department))~~ administrator may authorize ~~((such use))~~ the disposal method. If it is ~~((over \$1,000))~~ five thousand dollars or more, ~~((he))~~ the property administrator shall recommend the most ~~((financially))~~ advantageous ~~((action))~~ disposal method to the ~~((board of county commissioners))~~ council.

4.46.140 Duty to consolidate. Except where expendable property has been expended, or the personal property is worthless or the cost of hauling and central selling will equal or exceed the value, or when an emergency occurs, the property ~~((management director))~~ administrator shall consolidate and aggregate personal property for disposal ~~((quarterly or))~~ as often as practicable and the aggregate value of property to be sold shall determine the method of disposition under ~~((this chapter))~~ SCC 4.46.130.

4.46.150 Property ((management)) administrator--Duty to determine value of surplus personal property. ((As)) When personal property is determined to be surplus, the property ((management director)) administrator shall appraise the property and establish an estimate of the market value by appropriate means and exercise his best professional judgment and make a good faith determination as to the value or worthlessness of the property; provided, that the property ((management director)) administrator may ((by rule)) establish classes of property considered expendable, expended and worthless, without the necessity of making individual determinations.

~~((ARTICLE III. DUTIES PERTAINING TO REAL PROPERTY))~~

4.46.160 Property management ((department)) division --Responsibilities and powers regarding county real property. ((Except as provided in SCC 2.68.035, the property)) Except as otherwise authorized by ordinance or delegated by executive order the property management ((department, real property)) division, shall be ((the sole organization)) responsible for the administrative processes of acquiring, disposing of, inventorying, managing and leasing real property.

Requests to acquire, dispose of, or lease real property shall be reviewed by the property administrator except as otherwise authorized by ordinance or delegated by executive order for department administration.

The property management division shall have:

- (1) Responsibility for maintaining all original deeds and easement documents on county owned property except deeds for road right-of-way.
- (2) Signature authority as delegated by the executive for documents that provide for the administration of real property management.
- (3) Authority to complete inventory audits on real and personal property.
- (4) Authority to purchase tax title property for the county with written approval from the future custodial department.
- (5) Authorization by the Treasurer to be the designee and act in accordance with RCW 36.34.080 to sell or dispose of tax title lands in accordance with RCW 84.64.
- (6) Authority to sell surplus real property valued under five thousand dollars with written approval from the custodial department in accordance with chapter 4.46 SCC.
- (7) Authority to approve and accept documents or deeds that correct errors in prior documents or deeds.
- (8) Authority to refer quiet title actions to the prosecuting attorney, when necessary, to clear a cloud on the title of real property.
- (9) Authority to dispose of surplus mineral reservations as made on treasurer's deeds when no minerals are showing on mineral survey maps and no known value is noted.

(10) Authority to resolve improper road reservations in treasurer's deeds.

An annual report dated December 31 shall be submitted to the executive and the council by the property management division listing all activities completed annually within the authority given in SCC 4.46.160.

Each department shall be responsible for maintaining all real property for which it is custodian.

4.46.170 Duty to inventory and to declare real property surplus. The ~~((real property division))~~ property management division shall ~~((, no later than March 31 of each year,))~~ prepare ~~((a current))~~ an inventory, current as of the preceding December 31, of all county-owned real property showing cost, if known, method of acquisition, current departmental custodianship, present and estimated value, special characteristics, and improvements affecting its economic value and potential uses. The property management division shall submit the inventory to the council by February 15 of each year, provided that real property acquired for the sole use of a road right-of-way shall not be included on such inventory.

County departments having custodianship of real property shall provide, no later than ((June 30)) November 1 of each calendar year, a list ((present use)) of each property, its present use, cost of improvements made that year and any property considered surplus to the department's future needs ((and whether all or part thereof is being used and if not being used, the future probability of and probable time of usage for the)) to property management division ((director, who shall, after review, forward the same together with his recommendations to the board)).

~~((It shall make recommendations to the board whether to retain or change the manner of county use or declare property surplus to the needs of the county. No property shall be declared surplus without consultation with the department last using such property.))~~

The property ~~((management director))~~ administrator shall review and make recommendations to the ~~((board))~~ council for ~~((uses other than the sale of))~~ disposal of surplus real property ~~((prior to a decision by the board to dispose of such property through sale))~~ in accordance with SCC 4.46.160. ((Other possible)) Possible uses to be considered ~~((by the director))~~ shall include:

- ~~((a))~~ (1) Other county care. ~~((+and))~~
- ~~((b))~~ (2) Exchange for privately or publicly-owned lands that meet future county land needs. ~~((+and))~~
- ~~((c))~~ (3) Lease to nongovernmental parties. ~~((+and))~~
- ~~((d))~~ (4) Sale or lease to other governmental agencies. ~~((+and~~
- ~~((e))~~ (5) Retention by the county if the parcel is contained within an environmentally sensitive area ~~((as designated by Snohomish County Code or as floodplain or slide hazard property.))~~ described as follows:

- (a) Property zoned as flood hazardous property.
- (b) Property zoned as slide hazardous property.



- (c) Wetlands recommended by the department of planning and community development for retention.
- (d) Access to public lakes, rivers, or creeks.
- (e) Areas determined by the public works department to contain hazardous waste sites.

(6) Public sale.

4.46.180 Duties pertaining to tax title lands. The property management ~~((department))~~ division shall inventory all tax title lands and recommend the acquisition of those lands that will have use to the county or have potential for exchange for lands of use to the county. The property management division ~~((department with approval of the board))~~ shall manage, improve, lease, sell or exchange such lands acquired by the county in the manner provided by Ch.36.35 and 84.64 RCW.

~~((ARTICLE IV. SALES GENERAL))~~

4.46.190 Authority to dispose of property. Whenever it is determined by the property management division that in the best interest of ~~((Snohomish County))~~ the county and the people thereof that any part or parcel of property, whether real, personal, easements, timber, minerals, other resources or mixed, belonging to the county and capable of being disposed of pursuant to Chapter 36.34 or 84.64 RCW, should be sold, leased or otherwise disposed of, the ~~((county))~~ property management division may sell, lease or otherwise dispose of, and convey such property under the limitations and restrictions ~~((and in the manner hereinafter provided))~~ within chapter 4.46 SCC.

(1) Timber, minerals or other resources not exceeding five thousand dollars in value may be sold as personal property as described in chapter 4.46.230 SCC.

(2) Easements used for installation and maintenance of utilities to county property may be granted for a nominal consideration of one dollar and may be granted as described in chapter 4.46.230.

4.46.200 Property management ~~((department))~~ division duties to dispose of property. The property management division may make recommendations regarding disposition of property. Except as provided by this chapter, all dispositions of property shall be authorized by the ~~((board of county commissioners following recommendations of the property management department.))~~ council.

Except as provided by ~~((this))~~ chapter 4.46 SCC, all sales and leases shall be conducted by or with approval from the property management ~~((department))~~ division.

4.46.210 Personal property--Sale or disposition by other than property management ~~((department))~~ division. ~~((Each county department may, and those county))~~ County departments ~~((enumerated below))~~ shall, with the assistance of the property ~~((manager))~~ administrator be responsible for establishing procedures and

regulations for the disposal of miscellaneous personal property wheresuch property, having been declared surplus, is determined by the property administrator to be of such minimal value as not to justify the cost involved in transporting said property to the property management ((department)) division for disposal. Such procedures will be consistent with other provisions of this chapter, particularly those relating to disposal of property determined to be without value, and shall be reviewed by the property management ((department director)) division for ((his)) its comments ((in this regard and may, if necessary, be forwarded to the board for its review.

Such personal property may be disposed of at the estimated market value upon authorization by the property ((management department)) administrator. A record shall be made and forwarded to the property management ((department)) division of the name and address of each purchaser and the articles sold to such person. ((County departments required to promulgate the aforementioned procedures and regulations are: the Snohomish County Airport, engineering department, Evergreen State Fair, and parks department.))

4.46.215 Disposal of timber by permit. (1) When a request is received from the public to remove fallen timber for personal use from county property, a permit may be issued by the property administrator. Any timber with an estimated value under five thousand dollars may be removed by permit. It must be determined to be in the best interest of the county to remove fallen timber. An administration fee, not to exceed \$100.00, as established by the property administrator, may be charged for each permit.

(2) Permits shall contain the following provisions and such other provisions established by the property administrator:

(a) The timber to be removed consists of fallen timber.

(b) The fallen timber will be marked or otherwise designated by the county.

(c) The applicant certifies that the timber removed is for personal use and shall not be sold or exchanged for anything of value.

(d) A standard insurance clause, approved by the county, will provide county protection from liability.

4.46.220 Worthless property. Where personal property is determined to be worthless and without value, the property shall be disposed of in the most cost efficient manner. In the event the value at the site is less than the cost of hauling to another place ((of use or)) for disposal, the property may then be donated to the public at large, provided the individual recipients receive actual permission and a record of the name and address of the recipient and the property received is retained by the property management division; provided, that in no event shall the property be given directly or indirectly to a county employee, or the spouse, parent, child or sibling of an employee or employee's spouse.

4.46.230 Property valued at (~~(\$1,000 or)~~) less than five thousand dollars. In the event that personal property as regularly consolidated for sale has an estimated market value of less than (~~(\$1,000)~~) five thousand dollars, the (~~director~~) property management division may sell the property at public sale after advertising the time and place of sale at least one time in a newspaper having general circulation in the county, not less than five (~~(5)~~) calendar days prior to the sale. The advertisement may describe the items to be sold generally rather than particularly and, where applicable, by lot rather than item. The advertisement shall advise interested purchasers where the items to be sold will be available for public inspection during at least one entire business day at least twenty-four (~~(24)~~) hours prior to sale; provided, that where the cost of administration, advertisement, and keeping of the property awaiting sale will exceed the value of the property, the (~~director~~) property administrator may so find and upon such finding may waive the requirement for advertising and may sell the property after posting not less than three (~~(3)~~) days prior to the sale of notice of the time and place of the sale wherever notices of purchases are required to be posted in accordance to SCC 4.46.250.

4.46.240 Sales of personal property--Valued at (~~Value exceeding \$2,500~~) five thousand dollars or more. If an item or lot of surplus personal property carries an estimated market value of (~~(\$2,500)~~) five thousand dollars or more, (~~a survey committee shall be convened to recommend the procedures, including date, location and manner of sale most likely to be advantageous to the county. The committee shall be composed of one representative each from the custodial department, property management department, and the county commissioners' office.~~) the property administrator shall recommend a public sale to the council in accordance with chapter 4.46 SCC.

Such property shall not be disposed of without prior (~~board~~) council approval of the procedures to be followed by the property management (~~department~~) division in the sale thereof.

4.46.250 Advertisement of sale--Requirements. The property management (~~department~~) division shall advertise the sale of property in a manner most appropriate to effect an advantageous sale. When real or personal property regularly consolidated for sale has an estimated market value of (~~in excess of \$1,000~~) five thousand dollars or more, the same may be sold at public sale following publication of a notice in a legal newspaper of general circulation at least once a week for two consecutive weeks, the last notice to appear no more than five (~~(5)~~) days prior to the date of sale. No notice of sale shall be required for sale to a governmental agency. Where the (~~board~~) council has determined an emergency to exist as defined in SCC 4.46.010 (9), such reasonable notice as is commensurate with the fact of the emergency shall be given for the purpose of providing the public with knowledge of the sale and to establish value. (~~Such notice may include telephonic communication~~

~~with potential purchaser~~). When an advertisement is required, a notice for a sale shall be posted in the courthouse in accordance with RCW 36.34.090.

An advertisement of sale shall in the case of real property describe the property by both its legal description and street address, if any, or if none, by a vicinity description. If real property is offered for sale on other than a cash basis, the terms must be stated in the advertisement.

4.46.260 Sale of county property--Public sale. All sales of real and personal county property shall be made to the highest responsible bidder at public sale except when:

- ~~((a))~~ (1) Sold to a governmental agency. ~~((+ex))~~
- ~~((b))~~ (2) The ~~((board))~~ council has determined an emergency to exist. ~~((+ex))~~
- ~~((c))~~ (3) County real property is traded for real property of equal or greater value. ~~((+ex))~~
- ~~((d))~~ (4) County personal property is traded in on the purchase of a replacement article acquired ~~((by))~~ through award of an advertised sealed bid. ~~((+ex))~~
- ~~((e))~~ (5) ~~((The property is sold pursuant to Section 4.46.210))~~ Otherwise provided within chapter 4.46 SCC.

The ~~((board))~~ council or property ~~((management department))~~ administrator 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.

Where there is no bid within advertised terms for the advertised minimum value, the county may withdraw the property from sale and thereafter negotiate the sale of the withdrawn property, providing the negotiated price is ~~((higher than the highest rejected bid))~~ equal to or higher than the advertised minimum value and that the public has two weeks notice by advertisement and an opportunity to compete for purchase by offer of more favorable price on the terms negotiated.

4.46.270 Intergovernmental sales. ~~((Snohomish County))~~ The county may dispose of or lease county property to another governmental agency and may acquire property for the county from another governmental agency by negotiation, upon such terms as may be agreed upon and for such consideration as may be deemed by ~~((Snohomish County))~~ the county to be adequate in compliance with RCW 43.09.210.

4.46.280 Personal property--Trade-in. The county may trade in property belonging to the county when purchasing replacement property when the purchase is made ~~((on))~~ through award following advertised call for sealed bids. If the county elects to trade-in property, it shall include in any call for bids ~~((on))~~ for the property to be purchased a notice that the county has for sale or trade-in property of a specified type, description and quantity which will be sold or traded-in on the same day and hour that the bids

~~((en))~~ for the property to be purchased are opened. Any person may bid for the purchase of such trade-in property and any supplier may include in its offer to supply an offer to accept the designated county property trade-in by setting forth in the bid the amount of such allowance.

In determining the lowest and best bid the county shall consider the net cost to the county after trade-in allowances have been deducted. The county may accept the bid of any bidder without trade-in of the county property, but may not require any such bidder to purchase the county property without awarding the bidder the purchase contract. Anyone may make an offer for the purchase of the used equipment independent of a bid on the new equipment and the county shall consider such offers in relation to the trade-in allowances offered to determine the net best sale and purchase combination for the county.

Any department using personal property for a trade-in on a purchase must comply with SCC 4.46.130 and SCC 3.04.130.

4.46.290 Sale of surplus real property--~~((Board))~~ Council approval required. ~~((Board))~~ Council approval is required prior to sale by the property ~~((management director))~~ administrator of county-owned real property declared as surplus in compliance with the provisions of this chapter; provided, that property with an estimated value of ~~((\\$1,000))~~ five thousand dollars or less may be sold in the manner provided for sale of personal property of like estimated value.

In making such sales the county may sell or dispose of any timber, mineral, or other resources on any land owned by the county separate and apart from the land.

~~((ARTICLE V. TERMS OF SALES))~~

4.46.300 ~~((Sales of personalty property--Must be for cash)).~~ Payment for personal property. Sales of personal property must be paid for in cash, certified check or cashier's check ~~((, except when))~~ prior to release of sold properties. Failure to comply with terms of sale by purchaser will result in forfeiture of any and all monies paid. When ~~((it))~~ personal property is transferred to a governmental agency, ~~((or))~~ traded-in on the purchase of another article or traded for another article of similar value departments shall comply with chapter 4.46 SCC and chapter 3.04 SCC.

4.46.310 Title. In no case shall the title be transferred until the purchase price has been paid.

4.46.320 Disposition of proceeds of personal property sales. The ~~((Snohomish County))~~ treasurer is authorized to establish such funds and accounts as may be necessary to deposit personal property sales proceeds until final disposition.

The county must deposit final personal property sale proceeds to the fund account from which the original purchase price was paid according to RCW 36.34.120.

4.46.330 Lease of surplus real property--Authority to lease--Manner of awarding lease. ((Snohomish County)) The county may lease any county real property including airport property and tax title property and the appurtenances thereto for a year or term of years under the limitations and restrictions and in the manner provided herein. Agricultural fair property may be leased for uses not inconsistent with the conduct of the annual fair during such periods of time that the fair is not in operation. Fair market rental value shall be the basis for all such leases, with the same to be awarded upon the best available terms and conditions.

The ~~((board))~~ council after finding it to be in the best interest of the county that real property should be leased, shall authorize the leasing of real property; except as otherwise authorized by ordinance or delegated by executive order for department administration.

4.46.335 Lease of real property - payment of prevailing wages required for construction of improvements.

(1) No lease, amendment to a lease, or extension of a lease of county-owned real property shall be entered into unless the lessee, successors or assigns agree, as a term of the lease, that all contracts for any improvements to said leasehold require the contractor or developer to comply with the prevailing wage provisions of Chapter 39.12.010-.030 RCW except as provided herein. Said lease shall provide by its terms that failure to comply with the provisions of this section shall constitute a default of said lease resulting in its termination unless said default is cured thirty days after notice thereof. Responsibility for ensuring compliance with this section rests entirely with the leaseholder, and in no way with the county. All persons entering into a lease, amendment, or extension of a lease of county-owned real property after May 1, 1993, shall be deemed to have entered into such lease, amendment or extension with knowledge of this section and shall be bound by the terms thereof as a material provision of said lease, except as provided in 4.46.335 (2).

(2) All of the following will be exempt from compliance with the prevailing wage provisions of Chapter 4.46.335 (1)

(a) Construction/remodeling jobs where the entire project cost is less than \$5,000 provided that no project shall be subdivided or otherwise disaggregated so as to enable such project to be awarded pursuant to this section;

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

(c) Janitorial building maintenance contracts (this exemption shall not apply to the construction site clean up work;

(d) Any construction, reconstruction, maintenance or repair in progress at the effective date of this section;

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

(f) Any existing lease of county owned real property;

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

(3) Proof of compliance with the terms of this section shall be provided by the lessee in such form as required by the (~~Snohomish county purchasing department~~) property management division.

4.46.340 Lease of county real property (~~(appraisal-Private negotiation)~~). (~~Where~~) When the lease value of (~~an individual parcel or parcels within a classification have~~) a parcel of county real property has been established by a qualified (~~appraisal~~) appraiser (~~by a member of the American Institute of Real Estate appraisers or a member of an association having equivalent ethical and professional standards,~~) in accordance with the standards of the profession, the property administrator may lease (~~then~~) the property (~~may be~~):

(1) (~~Leased by~~) By private negotiation at the values so established and subject to the further terms required by (~~this~~) chapter 4.46 SCC;

(2) (~~Where general law contains less stringent requirements for leasing than by bidding by private negotiation such provision may be followed with respect to property to which such law applies. Where private negotiation is not authorized by this section, then the lease, modification, extension or renewal shall be awarded by the property management department following~~) By competitive bidding or auction.

(3) As otherwise authorized by ordinance or delegated by executive order for department administration.

4.46.350 Lease of county real property--Competitive bidding considered--Reservation of right to reject all bids. When a lease of county real property is to be awarded through competitive bidding, the lease shall be awarded to the highest responsible bidder; provided, that wherein 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 (~~real~~) property management division, and each record with the name and address of the successful bidder and the amount of the successful bid, shall, after awarding of the lease, be open to public inspection at the (~~real~~) property management division. In determining highest responsible bidder, in addition to rental, the following elements shall be given consideration:

(~~(a)~~) (1) The character, integrity, and reputation of the bidder;

(~~(b)~~) (2) The previous and existing compliance by the bidder with the terms of other leases of (~~Snohomish County~~) real property and the laws relating thereto;

(~~(c)~~) (3) Such other information as may be relevant to the decision to award the lease.

4.46.360 Application to lease--Procedures to be followed by prospective lessees. All applications to lease ~~((Snohomish County))~~ county real property ~~((or proposed leases))~~ shall be submitted to the ~~((real property division of the))~~ property management ~~((department))~~ division in the manner prescribed by the ~~((department))~~ division. The county may require that a deposit or bid bond, in the form of a cashier's or certified check, accompany each application or bid. In case the lands applied for are leased to another party, the deposit or bid bond shall be returned to the applicant. ~~((, but if))~~ If the ~~((party making application))~~ accepted applicant fails to execute the lease or refuses to comply with the terms of ~~((this))~~ the application ~~((to execute the lease))~~, the deposit or bid bond shall be forfeited to the county, and such funds shall be deposited in the current expense fund.

4.46.370 Lease provisions--Limitations as to term, improvements or alternative rent-assignment. (1) ~~((Snohomish County))~~ The county may lease county owned real property for a term of years and upon such terms and conditions as may be deemed in the best interests of the public and the county. ~~((, provided, that no lease))~~ Lease terms shall not be for ~~((a))~~ longer ~~((term))~~ than ten years, except as follows: ~~((, provided further, that))~~

(a) ~~((when))~~ When the ~~((board))~~ council determines it to be in the best public interest, real property necessary to the support or expansion of an adjacent facility may be leased to the lessee of the adjacent facility, but not to exceed thirty-five years, or to the owner of an adjacent facility for a term not to exceed thirty-five years. ~~((, provided further, that))~~

(b) ~~((when))~~ When the ~~((board))~~ council determines it to be in the best public interest, where the property to be leased is improved or is to be improved, and the value of the improvement is or will be at least equal to the value of the property to be leased, and will thereafter be county property, the county may lease such property for a term not to exceed thirty-five years. ~~((, provided further, that))~~

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

(2) The lessee shall not improve or alter the leased property in any manner without the prior written consent of the county but shall, before making any improvements or alterations, submit plans and designs therefor to the county for approval. Unless otherwise stipulated, all improvements or alterations erected or made on the leased property shall, on expiration or sooner termination of the lease, belong to the county without compensation to lessee; provided, however, that the county shall have the option, to be exercised on expiration or sooner termination of ~~((this))~~ the lease, to require the lessee to remove any or all such improvements or alterations. If the lessee fails substantially to make the



improvements or alterations required (~~of him~~) by the lease, the lease may be terminated and all rentals paid shall be forfeited to the county.

(3) The rent of all leases of county real property shall be based upon fair market rental value and no lease shall be assigned or subleased without approval by the county in writing.

4.46.380 Rental readjustment requirement--Long term leases.

Any lease of county owned property for a term of longer than five years shall contain a provision requiring the lessee to permit the rental to be adjusted and fixed by (~~Snohomish County~~) the county every five years; provided, that any lease may provide for more frequent readjustments. When the lease permits (~~Snohomish County~~) the county to adjust the rent, the county will give lessee written notice of the adjusted rent, in accordance with the terms of the lease. The rent as adjusted shall take effect no sooner than as provided by the lease and then thirty days after date of said notice unless lessee, within thirty days following receipt of notice from (~~Snohomish County~~) the county gives written notice of rejection of the adjusted rent. If lessee and the county cannot agree upon the rental adjustment, the rent for the period will be adjusted by arbitration. Lessee and the county will select one disinterested arbitrator each, and the two selected arbitrators will select a third. If the two arbitrators have not selected a third arbitrator within thirty days after the selection of the last selected of the two, either lessee or county may apply to the presiding judge of the Superior Court in (~~Snohomish County~~) the county for the appointment of a third arbitrator. Each arbitrator will be a (~~member of the American Institute of Real Estate Appraiser, or of the~~) association having (~~equivalent~~) ethical and professional standards) qualified appraiser in accordance with the standards of the profession.

If a licensing requirement for real estate appraisers is imposed by any legislation, each arbitrator will also be so licensed. The three arbitrators will determine a fair rent for the premises based upon the fair market rental value of the property, as previously defined. The decision of a majority of the arbitrators will bind both lessee and county. At the conclusion of the arbitration, the arbitrators will submit written reports to the lessee and county. The cost of the arbitration will be divided equally between lessee and the county.

4.46.390 Execution of lease agreement bid bonds. Every new lease, or extension, modification or renewal of an existing lease shall be signed, or caused to be signed, by the (~~board~~) county following analysis and recommendations of the (~~director of real property division~~) property administrator, and the custodial county department except as otherwise authorized by ordinance or delegated by Executive order. After award of the new lease, modification, extension or renewal, a copy of the instrument shall be available for public inspection at the (~~division of real~~) property management division.

4.46.600 Special use leases of agricultural fair property.

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

(1) The value received from the lease of the property equals the property's fair market rental value as defined in (~~Article I of this~~) chapter 4.46 SCC. Value received shall include funds paid to the county, funds used to construct, improve or maintain the county real property under the lease and funds used for county purposes whether by the county or the lessee.

(2) The term of the lease shall not exceed thirty-five (~~(35)~~) years.

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

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

(5) All proposed capital improvements which exceed fifty thousand dollars (~~(\$50,000)~~) shall be approved by the (~~county~~) council prior to the calling for bids.

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

(7) The lease property may be subleased by the lessee for uses consistent with this section (~~(+)~~) only with written approval by the county; provided, that the net proceeds of such subleases shall be used in a manner consistent with the provisions set forth in subsection (3) of this section: provided further, that all sublease agreements for a term exceeding thirty (~~(30)~~) days shall be approved by the county council.

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

PASSED this 22<sup>nd</sup> day of December, 1993.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

L. J. McLaughlin  
Chairperson

Barbara Ditorsti  
Clerk of the Council, Asst.

- ( X ) Approved
- ( ) Emergency
- ( ) Vetoed

DATE: 12/27/93

Gary Weikel GARY WEIKEL  
County Executive Executive Director

Published: \_\_\_\_\_

ATTEST:  
Hildur Colwell

Approved as to form only:

Gordon W. Swiler 11/16/93  
Deputy Prosecuting Attorney

ORDINANCE AMENDING SCC 4.46 RELATING TO PROPERTY MANAGEMENT