

ORIGINAL

ORDINANCE NO. 268

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON,
PRESCRIBING UNIFORM PROCEDURES FOR THE SALE AND
DISPOSAL OF SURPLUS PERSONAL PROPERTY**

WHEREAS, pursuant to RCW 35A.11.010 and 35A 79.010 and 35.22.280(3), the City Council of the City of Shoreline may prescribe by ordinance a uniform procedure for the sale and disposal of surplus personal property; and

WHEREAS, the City Council has determined that it would be in the best interest of the City and for the common benefit to adopt an ordinance regulating the sale and disposal of surplus personal property in conformance with state law; and

WHEREAS, this ordinance establishes a uniform procedure, including valuation guidelines, for donating or selling surplus personal property of the City;

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF SHORELINE,
WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. The Shoreline Municipal Code shall be amended to add a new Chapter 3.50 entitled "Sale and Disposal of Surplus Personal Property," as follows:

CHAPTER 3.50 SALE AND DISPOSAL OF SURPLUS PERSONAL PROPERTY

3.50.010 SALE OR DONATION OF SURPLUS AND PERSONAL PROPERTY OWNED
BY THE CITY: GENERAL REQUIREMENTS

- A. Subject to this chapter, the City Manager may authorize department directors to sell property that is in the custody of the departments and owned by the City when said property is no longer of public use to the City.
- B. Department directors shall certify in writing to the City Manager or duly authorized agent that City-owned property is no longer of public use to the City, or that the sale thereof would be in the best interests of the City.
- C. The City Manager may declare personal property that is of no current or future public use to the City with an individual item value of less than \$500.00 as scrap. Personal property declared scrap may be disposed of as prescribed by the City Manager or sold by private sale at prices established by current market conditions.
- D. The City Manager may also authorize a donation of surplus property when the cost of disposition of the property is equal to or exceeds the current fair market value of the

property, to a specific bona fide charitable organization which is tax exempt pursuant to Internal Revenue Code Sec.501 (c)(3).

3.50.020 SALE OF SURPLUS PERSONAL PROPERTY WITH AN INDIVIDUAL ITEM VALUE OF TWO THOUSAND DOLLARS OR LESS.

- A. Approval of the City Council is not required for the sale or disposition of any City-owned personal property with an individual item estimated value of two thousand dollars or less.
- B. When such property has been certified for disposition by a department director, sale or disposition shall be made by the City Manager or duly authorized agent in accordance with informal procedures. No member of the City Council or members of their immediate family, and/or City employees or members of their immediate family, may acquire such property if the City employee or official had any role in establishing the valuation or price of said property.

35.50.030 SALE OF SURPLUS PERSONAL PROPERTY WITH AN INDIVIDUAL ITEM VALUE IN EXCESS OF TWO THOUSAND DOLLARS.

Upon approval by the City Council, surplus property owned by the City which is no longer of public use and which is valued at more than two thousand dollars shall be sold by calling for sealed bids or by live auction, at the Councils discretion.

- A. Sale by Sealed Bidding
 - 1. The call for sealed bids shall contain a description of the property to be sold, the location thereof, the name and address of the person with whom the bid is to be filed, the last date for filing bids, and any other pertinent information required by the City Manager. Such call shall be published at least once in the official newspaper of the City not less than five (5) days before the last date for filing of bids.
 - 2. Each bid shall be accompanied by a deposit in the form of a certified or cashiers check in the amount equal to but not less than ten percent of the amount of the bid. All such deposits so made shall be returned to the unsuccessful bidders after award of a bid, if any. The deposit of the successful bidder shall be applied toward the bid price, or upon failure of such bidder to consummate the purchase, such deposit shall be forfeited as liquidated damages and such deposit shall be credited to the appropriate account.
 - 3. Sealed bids shall be opened in public by the City Clerk or duly authorized agent at the time and place specified in the call for bids. The City Clerk or duly authorized agent shall make a tabulation of all bids received and forward the bids to the City Manager for approval or rejection. The City Manager shall accept the highest bid that exceeds the City's estimated value.

4. In the event no bids are received, all bids are rejected, or no bid exceeds the City's estimated value, the City Manager may either ask for new sealed bids or direct the sale or disposition of such surplus property under the procedures adopted pursuant to Section 3.50.020 of this chapter.

B. Sale by Live Auction.

1. Notice of the live auction, a description of the property to be sold and any other pertinent information required by the City Manager shall be published at least once in the official newspaper of the City not less than five (5) days before the auction.
2. The auction shall be conducted by the City Manager or at his direction. The City shall accept the highest bid.
3. In the event no bids are received, the City Manager may direct the sale or disposition of such surplus property under the procedures adopted pursuant to Section 3.50.020 of this chapter.

3.50.040 SALE OF SURPLUS PERSONAL PROPERTY TO ANOTHER GOVERNMENTAL ENTITY

- A. Sale or disposition of surplus and personal property with an individual item value of fifty thousand dollars or less to another governmental entity shall be in accordance with Section 3.50.020 of this chapter.
- B. Sale or disposition of surplus and personal property with a value of more than fifty thousand dollars to another governmental entity shall be in accordance with the procedures for public notice and hearing in RCW 39.33.020.

3.50.50 TRADE-IN OF SURPLUS EQUIPMENT WITH AN INDIVIDUAL ITEM VALUE IN EXCESS OF TWO THOUSAND DOLLARS

- A. Notwithstanding Section 3.50.030, approval of the City Council is not required for the trade-in of surplus equipment with an individual value of more than two thousand dollars when purchasing new equipment, so long as the City receives appropriate trade-in value for the surplus equipment. Appropriate trade-in value shall be determined by reference to "The Blue Book" or other similar published reference book.
- B. When surplus City equipment has been certified for trade-in by a department director in accordance with this Chapter, such trade-in may be approved by the City Manager in accordance with informal procedures. No member of the City Council or members of their immediate family, and/or City employees or members of their immediate family, may acquire such property if the City employee or official had any role in establishing the valuation or price of said property.

3.50.60 SALE OF PROPERTY ORIGINALLY ACQUIRED FOR PUBLIC UTILITY PURPOSES

- A. Sale or disposition of surplus and personal property originally acquired for public utility purposes shall be in accordance with the procedures for public notice and hearing in RCW 35.94.040.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force thirty (30) days after publication of such summary.

PASSED BY THE CITY COUNCIL ON March 19, 2001.



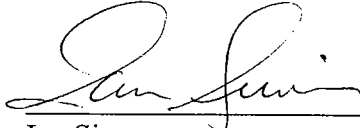
Mayor Scott Jepsen

ATTEST:



Sharon Mattioli
City Clerk

APPROVED AS TO FORM:



Ian Sievers
City Attorney

Date of Publication: March 22, 2001
Effective Date: April 21, 2001