

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON**

IN THE MATTER OF:

ORDINANCE NO. 1331

ORDINANCE 1331 - REPEAL AND REPLACE
CHAPTER 03.30, MANAGEMENT AND
DISPOSITION OF PROPERTY, OF THE LEWIS
COUNTY CODE

NOW THEREFORE BE IT ORDAINED

DONE IN OPEN SESSION this 7th day of December, 2021.

APPROVED AS TO FORM:
Jonathan Meyer, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

Kevin McDowell
By: Kevin McDowell,
Deputy Prosecuting Attorney

Lindsey R. Pollock, DVM
Lindsey R. Pollock, DVM, Chair

ATTEST:



Sean D. Swope
Sean D. Swope, Vice Chair

Rieva Lester
Rieva Lester,
Clerk of the Lewis County Board of
County Commissioners

F. Lee Grose
F. Lee Grose, Commissioner

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON**

REPEAL AND REPLACE CHAPTER 03.30, MANAGEMENT
AND DISPOSITION OF PROPERTY, OF LEWIS COUNTY CODE

ORDINANCE 1331

WHEREAS, Chapter 36.34 RCW authorizes counties to establish comprehensive procedures for the management of county property consistent with the public interest. Upon adoption of such procedures, a county is exempt from the requirements of Chapter 36.34 RCW, although it retains all powers granted by that chapter; and

WHEREAS, Lewis County adopted such comprehensive procedures in Lewis County Code 03.30 1996 (Ordinance 1154) and amended the code in 2005 (Ordinance 1154A) and those procedures have become outdated due to technology and organizational changes; and

WHEREAS, Lewis County has prepared a changes to Lewis County Code 03.30 to make the required adjustments to procedures and responsible officials and said draft has been reviewed by all interested officials and the Prosecuting Attorney's office; and

WHEREAS, the Lewis County Board of County Commissioners passed Resolution 21-396 on Nov. 23, 2021, setting Dec. 7, 2021, as the date of the hearing for Ordinance 1331; and

WHEREAS, notice of the hearing was published in The Chronicle on Nov. 25 and Dec. 2, 2021; and

WHEREAS, the BOCC finds it is in the best public interest to repeal Chapter 03.30, Management and Disposition of Property, of Lewis County Code and replace it with Chapter 3.30, Management and Disposition of Property, as outlined in Exhibit A; and

NOW THEREFORE BE IT ORDAINED that the BOCC hereby repeals Chapter 03.30, Management and Disposition of Property, of Lewis County Code and replaces it with Chapter 3.30, Management and Disposition of Property, as outlined in Exhibit A; and

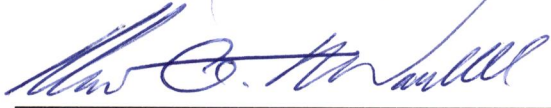
NOW THEREFORE BE IT FURTHER ORDAINED that the Clerk of the BOCC is hereby instructed to proceed with all appropriate and necessary notifications, posting and publication for the changes as required by law.

Done in open session this 7th day of December 2021.

[SIGNATURES ON NEXT PAGE]

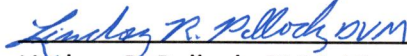
APPROVED AS TO FORM:

Jonathan Meyer, Prosecuting Attorney

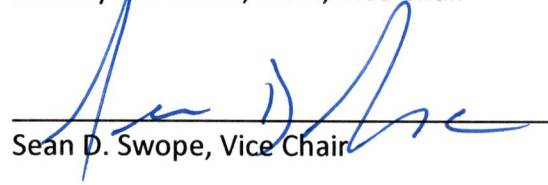


By Kevin McDowell, Deputy Pros. Attorney

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON**



Lindsey R. Pollock, DVM, Vice Chair



Sean D. Swope, Vice Chair

ATTEST:



Rieva Lester, Clerk of the Board



F. Lee Grose, Commissioner



Chapter 3.30

MANAGEMENT AND DISPOSITION OF PROPERTY

Sections:

Article I. Definitions

- 3.30.005 Purpose and Short Title.
- 3.30.010 Board of county commissioners (board).
- 3.30.020 Facilities division manager.
- 3.30.030 Emergency.
- 3.30.040 Estimated market value.
- 3.30.050 Expendable property.
- 3.30.060 Lot.
- 3.30.070 Worthless property.
- 3.30.080 Qualifying nonprofit.
- 3.30.090 Employees not qualified to purchase.
- 3.30.100 Immediate family.
- 3.30.110 Management.

Article II. Designation and Duties of Manager

- 3.30.120 Established - Designated.
- 3.30.130 Duties.
- 3.30.140 Assistants.

Article III. Surplus Personal Property Valued at Less Than \$5,000

- 3.30.150 Management plan.
- 3.30.160 Small and attractive property items.
- 3.30.170 Disposition options.
- 3.30.180 Surplus notification.
- 3.30.190 Worthless property - Disposal.
- 3.30.200 Administrative process.
- 3.30.210 Sale - Notice.
- 3.30.220 Purchase by county officials, employees.
- 3.30.230 Purchaser information.
- 3.30.240 Payment methods.

Article IV. Surplus Personal Property Valued at More Than \$5,000

- 3.30.250 Management plan.
- 3.30.260 Property management.
- 3.30.270 Surplus notification.
- 3.30.280 Aggregating surplus property.
- 3.30.290 Sales procedures.
- 3.30.300 Award to highest bidder - Exceptions.
- 3.30.310 Bid rejection.
- 3.30.320 No minimum bids - Negotiated sales.
- 3.30.330 Payment methods.
- 3.30.340 Purchase by county officials, employees.
- 3.30.350 Purchaser information.

Article V. Real Property Sales

- 3.30.360 County real property management.

- 3.30.370 Authority to dispose of real property.
- 3.30.380 Duties to dispose of real property.
- 3.30.390 Advertisement of sale.
- 3.30.400 Sale of county property - Public sale.
- 3.30.410 Intergovernmental sales.
- 3.30.420 Title.
- 3.30.430 Disposition of proceeds of sale.
- 3.30.440 Exchange for privately owned real property of equal value.

Article VI. Property Leases

- 3.30.450 Lease of surplus real property - Authority to lease - Manner of awarding lease.
- 3.30.460 Lease of county real property appraisal - Private negotiation.
- 3.30.470 Lease of county real property - Competitive bidding considered - Reservation of right to reject all bids.
- 3.30.480 Application to lease - Procedures to be followed by prospective lessees.
- 3.30.490 Lease provisions - Limitations as to term, improvements, or alternative rent assignment.
- 3.30.500 Rental readjustment requirement - Long-term leases.

Article VII. Timber

- 3.30.510 Disposition of timber.

Article VIII. Miscellaneous Provisions

- 3.30.520 Severability.
- 3.30.530 Repealer.
- 3.30.540 Effective date.

Article I. Purpose and Definitions

3.30.005 Purpose and Short Title.

Chapter 36.34 RCW authorizes counties to establish comprehensive procedures for the management of county property consistent with the public interest. Upon adoption of such procedures, a county is exempt from the requirements of Chapter 36.34 RCW, although it retains all powers granted by that chapter. Lewis County is adopting this resolution as its comprehensive procedures for the management of county property consistent with the public interest. These procedures are not exclusive, however, and the county may exercise any authority granted by, or follow any procedure prescribed by, Chapter 36.34 RCW or any other provision of law. This chapter, together with any amendments, shall be known as the “Lewis County Property Management Policy.”

3.30.010 Board of county commissioners (board).

“Board of county commissioners (board)” means the governing authority of Lewis County, for purposes of Chapter 36.32 RCW. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1154, 1996]

3.30.020 Designation of Surplus Managers.

“Facilities Division Manager” means the county employee within the facilities division of the department of Internal Services administration designated by the board with the responsibility of administering the provisions of this chapter as relating to management of surplus personal property with a value of less than \$5,000. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1154, 1996]

“Fleet Services Manager” means the county employee within the Public Works Department designated by the BOCC with the responsibility of administering the provisions of this chapter as relating to the management of surplus personal property within the Equipment Rental and Revolving Fund.

“IT Services Manager” means the county employee within the IT Services Department designated by the BOCC with the responsibility of administering the provisions of this chapter as relating to the management of surplus personal property within the IT Services Department.

“PW Property Manager” means the county employee within the Public Works Department designated by the BOCC and County Engineer with the responsibility of administering the provisions of this chapter as relating to the management of surplus real, personal and mixed property for the Public Works Department and county as a whole.

3.30.030 Emergency.

“Emergency” means an occurrence whereby county personal property would suffer material injury, loss or damage by delay of action. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1154, 1996]

3.30.040 Estimated market value.

“Estimated market value” means the probable sale value of personal property 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 of all uses to which the personal property can be put. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1154, 1996]

3.30.050 Expendable property.

“Expendable property” means that personal property, when committed to the purpose intended, has its usefulness consumed and thereafter has no further value. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1154, 1996]

3.30.060 Lot.

“Lot” means a number of personal properties of a like kind, serving a similar purpose. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1154, 1996]

3.30.070 Worthless property.

“Worthless property” means personal property which, when processed in the manner most advantageous to the county, cannot be sold for an amount sufficient to recoup the cost of sale or disposal. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1154, 1996]

3.30.080 Qualifying nonprofit.

“Qualifying nonprofit” means an organization that will be using the property donated for the support of the poor or infirm, and which is an organization described in Section 501(c)(3) through (10) of the Internal Revenue Code of 1986 (26 USC Section 501(c)) that is exempt from tax under Section 501(a) of the code. [Ord. 1154A, 2005]

3.30.090 Employees not qualified to purchase.

“Employees not qualified to purchase” means employees who are involved in the inventorying and disposing of county personal or real property, as designated by management, and their immediate families. [Ord. 1154A, 2005]

3.30.100 Immediate family.

“Immediate family” means an individual’s spouse and dependent children or other nonpecuniary resident of an employee’s household. [Ord. 1154A, 2005]

3.30.110 Management.

“Management” means those individuals in positions of decision making for declaring property surplus or worthless including, but not limited to: elected officials, chief deputies, County Manager, directors, and managers directly involved in the surplus management plan. [Ord. 1154A, 2005]

Article II. Designation and Duties of Manager

3.30.120 Established - Designated.

The board hereby establishes and designates the position of Facilities Manager to supervise and manage the disposition of county surplus personal property with a value less than \$5,000 entrusted to the Internal Services department pursuant to this chapter.

The board hereby establishes and designates the position of Fleet Services Manager to supervise and manage the disposition of county surplus personal property entrusted to the Equipment Rental and Revolving Fund and Fleet Services Department pursuant to this chapter.

The board hereby establishes and designates the position of IT Services Manager to supervise and manage the disposition of county surplus personal property entrusted to the IT Services Department pursuant to this chapter.

The board hereby establishes and designates the position of PW Property Manager to supervise and manage the disposition of county surplus real property pursuant to this chapter.

[Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1154, 1996. Formerly 3.30.080]

3.30.130 Duties.

The manager has the duty to determine whether the personal property entrusted to the department is actually surplus personal property. To declare personal property as surplus, the manager shall find that no other county department has a need for the property; conversely, and upon finding such a need, the manager shall transfer control of the property to that department at such value as is required by law.

(1) Upon finding that the personal property is surplus, the manager shall appraise the property and establish an estimate of the market value by appropriate means and exercise his/her best judgment and make a good faith determination as to the value or worthlessness of the property.

(2) Upon making a finding that the personal property is surplus and not needed by another county department or upon a finding of need within a political subdivision of county government or nonprofit organization, the manager shall submit a recommendation, along with the estimate of the market value, to the board for review and approval. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1154, 1996. Formerly 3.30.090]

3.30.140 Assistants.

The manager shall have the authority to engage such employees of the department or division, and obtain such services of public and private persons or entities, not in conflict with state and county laws and ordinances, respectively, as are required to perform the duties of surplus property management. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1154, 1996. Formerly 3.30.100]

Article III. Surplus Personal Property Valued at Less Than \$5,000

3.30.150 Management plan.

The facilities manager, in consultation with the fleet services manager, IT manager and PW property manager, will develop a management plan outlining the criteria for the determination of surplus property. The management plan will be initially approved by the board of county commissioners through resolution although modifications to the plan will be approved through memorandum. [Ord. 1154A, 2005]

3.30.160 Small and attractive property items.

Small and attractive property items will be processed in accordance with this article. [Ord. 1154A, 2005]

3.30.170 Disposition options.

Upon board approval of findings that an item of personal property has an estimated value of less than \$5,000 and is surplus, the facilities division manager shall evaluate and select the disposition that is most advantageous to the county: (1) trade-in for similarly valued property that meets current or future needs of the county; (2) lease or sell to a nongovernmental entity or private individual; (3) transfer, sell, or lease to another governmental entity; (4) donate to a qualifying nonprofit organization, as defined in this chapter; or (5) dispose of the property as provided in LCC 3.30.180. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1154, 1996. Formerly 3.30.110]

3.30.180 Surplus notification.

Each county department shall promptly advise the manager when it considers any personal property of less than \$5,000 in value to be surplus to its needs. Upon having been determined surplus by the manager, such property shall then become the responsibility of the appropriate department manager. However, if a county department has determined property to be expended or worthless personal property, it need not initially contact the facilities division manager. Instead, the county department shall dispose of the expended or worthless personal property as authorized in LCC 3.30.190 and forward a record of such disposal to the facilities manager. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1154, 1996. Formerly 3.30.120]

3.30.190 Worthless property - Disposal.

When personal property is determined to be expended or worthless by the manager or a department in which the property is located, the property shall be disposed of in the most cost-efficient manner as determined by the manager or department in which the property is located.

(1) The manager or department responsible for the disposal shall record the description of the item and the manner in which the expended or worthless property was disposed. The records of disposed, expended or worthless personal property shall be provided to and maintained by the manager.

(2) The employees of the county who are involved in the inventorying and disposing of county personal property, as designated by management, and members of their immediate families, as that term is defined in this chapter, shall be prevented from receiving worthless or expended personal property. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1154, 1996. Formerly 3.30.130]

3.30.200 Administrative process.

The manager shall be solely responsible for the administrative process of tagging, inventorying and disposing of surplus personal property with an estimated value of less than \$5,000 after receipt thereof by the department. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1154, 1996. Formerly 3.30.140]

3.30.210 Sale - Notice.

The manager may sell property with an estimated value of less than \$5,000 to the public by the methods listed in LCC 3.30.170 or any other manner that is most advantageous to the county. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1154, 1996. Formerly 3.30.150]

3.30.220 Purchase by county officials, employees.

If sold to the public, surplus property items of a value less than \$5,000 will be offered for sale at the items' fair market value for a period of two weeks, Monday through Friday, 8:00 a.m. through 5:00 p.m. at a location advertised in the official newspaper of the county. The advertisement shall describe the items and shall be published not less than 10 days prior to the sale. The employees of the county who are involved in the inventorying and disposing of county personal property, as designated by management, and members of their immediate families, as that term is defined in this chapter, shall be prohibited from purchasing any item of county surplus personal property sold at this public sale or by private arrangement or trade. However, once this public sale is completed, items that did not sell may be offered at public auction and anyone, including county officials, employees, or their immediate families, is permitted to bid. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1154, 1996. Formerly 3.30.160]

3.30.230 Purchaser information.

The manager shall record the name and mailing address of each purchaser or recipient of such personal property, and the particulars of the sale or transfer of each item. Such information shall be promptly transmitted to the board as a record of such sale. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1154, 1996. Formerly 3.30.170]

3.30.240 Payment methods.

Payment for purchases of surplus property with a value of less than \$5,000 shall be in the form of cash; or in the form of a cashier's, certified, or official check drawn by and upon a bank or credit union licensed to do business in the State of Washington. The county may accept personal checks drawn on Washington banks and debit and credit cards with proper identification. Pursuant to RCW 36.29.190, the county shall bear the transaction processing cost if it permits use of credit cards at a sale.

(1) Failure to comply with the terms of sale by a purchaser will result in forfeiture of any and all monies paid.

(2) In no case shall property title be transferred by the county until the purchase price for such property has been fully paid to the county.

(3) The proceeds from the sale of personal property with a value of less than \$5,000 shall be deposited into the land acquisition fund No. 301, unless the property sold was funded by a proprietary fund, in which case the sale proceeds will remain with the proprietary fund from which the original price was paid.

(4) The sale proceeds and appropriate documentation shall be provided to the Lewis County Treasurer's office immediately, or in the case of public auction, no later than 5:00 p.m. on the first regular business day following the sale, or in the case of private consignment auction, no later than 30 days following the sale. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1154, 1996. Formerly 3.30.180]

Article IV. Surplus Personal Property Valued at More Than \$5,000

3.30.250 Management plan.

The facilities manager, in consultation with the fleet services manager, IT manager and PW property manager, will develop a management plan outlining the criteria for the determination of surplus property. The management plan will be initially approved by the board of county commissioners through resolution although modifications to the plan will be approved through memorandum. [Ord. 1154A, 2005]

3.30.260 Property management.

All county surplus personal property with an estimated value of \$5,000 or greater shall be managed by the board and by the elected and appointive officers therein, and held, used, leased, transferred, licensed and sold pursuant to this title and the laws of the state of Washington. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1154, 1996. Formerly 3.30.190]

3.30.270 Surplus notification.

Each county department and official shall promptly advise the board when any personal property with an estimated value of \$5,000 or greater is surplus to its needs, and the board shall thereafter determine if the property is surplus.

(1) To declare personal property as surplus, the board shall find that no other county department has a need for the property; conversely, and upon finding such a need, the board shall transfer control of the property to that department at such value as is required by law.

(2) Upon board findings that the personal property is surplus, the board shall evaluate and select one of the following dispositions as most advantageous to the county: (a) trade-in for similarly valued property that meets current or future needs of the county; (b) lease or sell by either public auction, private consignment auction that is open to the public, or by sealed bid to a nongovernmental entity or to private individuals; (c) transfer, sell, or lease to another governmental entity; or (d) donate to a qualifying nonprofit organization, as defined in this chapter.

(3) Upon a determination that personal property with a value of \$5,000 or greater is surplus, the board shall appraise the property and establish an estimate of the market value by appropriate means and exercise its best judgment to make a good faith determination as to the value or lack of value of the property. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1154, 1996. Formerly 3.30.200]

3.30.280 Aggregating surplus property.

The board shall consolidate and aggregate all personal property for disposal as described in LCC 3.30.270 on the quarter-year or as often as is practicable, except (1) where the cost of administering, storing and transporting the property to a central public sale exceeds the fair market value of the property, or (2) when an emergency is declared by the board. The aggregate value of the property to be disposed of shall determine the method of disposition under this chapter as being the most advantageous to the county. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1154, 1996. Formerly 3.30.210]

3.30.290 Sales procedures.

If the board determines that a sale of the county surplus personal property with a value of \$5,000 or greater is most advantageous to the county, the board shall then follow the procedures and provisions set forth below.

(1) The board shall advertise the sale of personal property with an estimated fair market value of \$5,000 or more except as identified in subsection (4) of this section.

(2) The board may sell property at public sale, following publication of notice of sale in the official newspaper of the county at least once a week for two consecutive weeks. The first notice must appear not less than 10 days before the sale date. The notice shall describe the property to be sold and designate the date, time, and location of the sale or bid collection and the date and time bids will be opened.

(3) The board may list property for sale with a broker who deals in that kind of property, and who has all licenses required by law. Within such period of time as the board may specify, the broker shall submit to the board all written offers to purchase all or any portion of the listed property. The board may accept any offer it determines is in the best interest of the county, even if the offer does not represent the highest monetary return of the offers submitted. The board may reject all offers. Final action selling the property shall be taken at a public meeting.

(4) The board may sell property in a directly negotiated sale to one or more designated buyers.

(5) Where the board has found an emergency to exist, the board shall set forth the facts of the emergency in a resolution and provide such reasonable notice as is commensurate with the facts of the emergency for the purpose of providing the public with knowledge of the sale and to establish value. Such notice may include notification of appropriate segments of the press and telephonic communication with a potential purchaser.

(6) No notice shall be required for sale to a governmental agency or if traded in upon purchase of a like article. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1154, 1996. Formerly 3.30.220]

3.30.300 Award to highest bidder - Exceptions.

All sales of county surplus personal property with an estimated value of \$5,000 or more shall be made at public sale with the following exceptions:

(1) The board may dispose of or lease county surplus personal 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 the board as adequate compensation in compliance with RCW 43.09.210.

(2) The board finds an emergency to exist, as defined within this chapter.

(3) The board may trade in personal property belonging to the county when purchasing replacement property, when such purchase is made on award following advertised call for sealed bids or pursuant to Lewis County Resolution No. 95-41.

(a) On any call for sealed bids wherein the county has elected to trade in property, a notice shall be included in the call for bids 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 will be opened on the property to be purchased.

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

(c) In determining the lowest and best bid, the county shall consider the net cost to the county after trade-in allowances have been deducted.

(d) 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.

(e) Anyone may make an offer for the purchase of the used equipment on a bid of the new equipment and the county shall consider such offers in relation to the trade-in allowances offered to determine the best sale and purchase combination for the county. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1154, 1996. Formerly 3.30.230]

3.30.310 Bid rejection.

The board may, if it deems such action to be for the best public interest, reject any and all bids/offers, either written or oral, and withdraw the county property from sale. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1154, 1996. Formerly 3.30.240]

3.30.320 No minimum bids - Negotiated sales.

Where there is no bid within the advertised terms for the advertised minimum value on the property, the county may withdraw the property from sale and thereafter negotiate the sale of the withdrawn property, provided: (1) the negotiated price is higher than the highest rejected bid; (2) that the public has two weeks' notice by at least one advertisement in the official newspaper of the county; and (3) that the public has an opportunity to compete for purchase by offer of more favorable price on the terms negotiated. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1154, 1996. Formerly 3.30.250]

3.30.330 Payment methods.

Sales of personal property must be paid prior to county release of sold properties. As to each sale, on a case-by-case basis, the county reserves the right to determine the acceptable method(s) of payment. Pursuant to RCW 36.29.190, the county shall bear the transaction processing cost if it permits use of credit cards at a sale.

- (1) Failure to comply with the terms of sale by a purchaser will result in forfeiture of any and all monies paid.
- (2) In no case shall property title be transferred by the county until the purchase price for such property has been fully paid to the county.
- (3) The county auditor is authorized to establish such funds and accounts as may be necessary to deposit personal property sales and proceeds until final disposition of the property.
- (4) The county shall deposit personal property sales proceeds with a value of \$5,000 or more to the fund from which the original price was paid. The cost of a sale shall be proportionally borne by the departments or offices receiving proceeds from the sale.
- (5) The sale proceeds and appropriate documentation shall be provided to the Lewis County Treasurer's office immediately and in the case of public auction, no later than 5:00 p.m., on the first regular business day following the sale or in the case of private consignment auction no later than 30 days following the sale. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1154, 1996. Formerly 3.30.260]

3.30.340 Purchase by county officials, employees.

The employees of the county who are involved in the inventorying and disposing of county personal property, as designated by management, and members of their immediate families, as that term is defined in this chapter, shall be prohibited from purchasing at public sale. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1154, 1996. Formerly 3.30.270]

3.30.350 Purchaser information.

The name and mailing address of each purchaser or recipient and the particulars of the sale or transfer shall be recorded. Such information shall be promptly transmitted to the board as a record of such sale. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1154, 1996. Formerly 3.30.280]

Article V. Real Property Sales

3.30.360 County real property management.

All county real property shall be managed by the board of county commissioners and by the elected and appointed officers therein, and held, used, leased, licensed and sold pursuant to this chapter and the laws of the state of Washington. [Ord. 1154A, 2005; Ord 1064 Art. II, §1, 1979; Ord. 1154, 1996. Formerly 3.30.290]

3.30.370 Authority to dispose of real property.

Whenever it is determined that in the best interest of Lewis County and the people thereof that any part or parcel of property, whether real, personal, or mixed, belonging to the county and capable of being disposed of pursuant to Chapter 36.34 RCW, should be sold, leased, or otherwise disposed of, the county may sell, lease, or otherwise dispose of and convey such property under the limitations and restrictions and in the manner hereinafter provided. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1064 Art. III, §1, 1979; Ord. 1154, 1996. Formerly 3.30.300]

3.30.380 Duties to dispose of real property.

Except as provided by this chapter, all dispositions of property shall be authorized by the board of county commissioners. The board shall set a minimum sale price based on the fair market value of the property.

The employees of the county who are involved in the inventorying and disposing of county real property, as designated by management, and members of their immediate families, as that term is defined in this chapter, shall be prevented from purchasing real property. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1064 Art. III, §2, 1979; Ord. 1154, 1996. Formerly 3.30.310]

3.30.390 Advertisement of sale.

(1) The board shall advertise the sale of property in a manner most appropriate to effect an advantageous sale. Real property may be sold at a public sale following publication of a notice in a legal newspaper of general circulation at least once a week for two consecutive weeks, the first notice to appear no less than 10 calendar days prior to the date of sale. No notice of sale shall be required for sale to a governmental agency. Where the board has determined an emergency exists, 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 notification of appropriate segments of the press and telephonic communication with potential purchaser.

(2) 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. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1064 Art. III, §7, 1979, amended 1980, amended 1989; Ord. 1154, 1996. Formerly 3.30.320]

(3) The board may list property for sale with a broker who deals in that kind of property, and who has all licenses required by law. Within such period of time as the board may specify, the broker shall submit to the board all written offers to purchase all or any portion of the listed property. The board may accept any offer it determines is in the best interest of the county, even if the offer does not represent the highest monetary return of the offers submitted. The board may reject all offers. Final action selling the property shall be taken at a public meeting.

3.30.400 Sale of county property - Public sale.

(1) All sales of real county property shall be made to the highest responsible bidder at public sale except when:

- (a) Sold to a governmental agency;
- (b) The board has determined an emergency to exist;
- (c) County real property is traded for real property of equal or greater value, or

(d) A parcel of no more than one-half acre of real property, which in and of itself would have little value because of its size or its shape, may be sold at fair market value to an owner of adjoining property. If, according to the records of the County Assessor, more than one person owns adjoining property, the board shall send notice to all such owners informing them a sale of the county property is being considered, and inviting them to send the board a notice of their interest in purchasing the property. If more than one owner sends notice of interest in purchasing the property within 15 days of the date of the board's notice, the board shall sell the property only by sealed bids of owners who have given notice of interest in the purchasing property.

(2) The board may, if it deems such action to be for the best public interest, reject any and all bids/offers, either written or oral, and withdraw the property from sale.

(3) Where there is no bid/offer 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 determined to be in the best interest of the public by a majority vote of the board, on consideration of the recommendation by public works 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. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1064 Art. III, §7, 1979, amended 1980 & 1989; Ord. 1154, 1996. Formerly 3.30.330]

3.30.410 Intergovernmental sales.

The county may dispose of or lease real property to another governmental agency and may acquire property from another governmental agency by negotiation, upon such terms as may be agreed upon and for such consideration as may be deemed to be adequate in compliance with RCW 43.09.210. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1064 Art. III, §9, 1979, amended 1980; Ord. 1154, 1996. Formerly 3.30.340]

3.30.420 Title.

In no case shall the title be transferred until the purchase price has been paid. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1064 Art. III, §12, 1979; Ord. 1154, 1996. Formerly 3.30.350]

3.30.430 Disposition of proceeds of sale.

The Lewis County Auditor is authorized to establish such funds and accounts as may be necessary to deposit sales proceeds until final disposition. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1064 Art. III, §13, 1979; Ord. 1154, 1996. Formerly 3.30.360]

3.30.440 Exchange for privately owned real property of equal value.

The board may exchange county real property for privately owned real property of equal or greater value wherever it is determined by resolution, after publication of notice that the matter will be heard not less than three days after publication, that:

- (1) The county real property proposed to be exchanged is not necessary to the future foreseeable needs of the county.
- (2) The real property to be acquired by such exchange is necessary for the future foreseeable needs of the county.
- (3) The value of the county real property to be exchanged is not more than the value of the real property to be acquired and that such value shall be established by a licensed general appraiser, qualified in the area of the work assigned. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1064 Art. III, §14, 1979; Ord. 1154, 1996. Formerly 3.30.370]

Article VI. Property Leases

3.30.450 Lease of surplus real property - Authority to lease - Manner of awarding lease.

(1) Lewis County may lease any county real property including airport 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.

(2) The board, after finding it to be in the best interest of the county, shall be the authorizing agency for leasing county real property. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1064 Art. IV, §1, 1979. Formerly 3.30.380]

3.30.460 Lease of county real property appraisal - Private negotiation.

(1) Where the lease value of an individual parcel or parcels within a classification has been established by appraisal by a licensed general appraiser, then property may be leased by private negotiation at the values so established and subject to the further terms required by this chapter; provided, that where the lease value is less than \$5,000 annually, then a current assessor's appraisal or other evidence of value having commercial responsibility may be utilized as a basis for privately negotiated terms, where the evidence of value is documented and of record in the proceedings of the board.

(2) Where general law contains less stringent requirements for leasing than by bidding, such provisions 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 board following competitive bidding or auction. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1064 Amendment 1, 1980; Ord. 1064 Art. IV, §2, 1979. Formerly 3.30.390]

3.30.470 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 property management section of the department of public works, and record thereof 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 property management office. In determining highest responsible bidder, in addition to rental, the following elements shall be given consideration:

- (1) The character, integrity, and reputation of the bidder;
- (2) The previous and existing compliance by the bidder with the terms of other leases of county real property and the laws relating thereto;
- (3) Such other information as may be relevant to the decision to award the lease. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1064 Art. IV, §3, 1979. Formerly 3.30.400]

3.30.480 Application to lease - Procedures to be followed by prospective lessees.

All applications to lease Lewis County real property or proposed leases shall be submitted to the board of county commissioners in the manner prescribed by this section. The county may require that a 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, the deposit shall be returned to the applicant, but if the party making applications fails or refuses to comply with the terms of this application and to execute the lease, the deposit shall be forfeited to the county, and be deposited in the current expense fund. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1064 Art. IV, §4, 1979. Formerly 3.30.410]

3.30.490 Lease provisions - Limitations as to term, improvements, or alternative rent assignment.

(1) Lewis County may lease real property for a term of years and upon such terms and conditions as may be deemed in the best interest of the public and the county; provided, that no lease shall be longer than 10 years; provided further, that when the board determines it to be in the best public interest, real property necessary to the support of expansion of an adjacent facility may be leased to the lessee of the adjacent facility, but not to exceed 35 years, or to the owner of an adjacent facility for a term not to exceed 35 years; provided further, that when the board 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 35 years; provided further, that 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 50 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 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 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 except as otherwise authorized in this chapter, and no lease shall be assigned or subleased without approval by the county in writing. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1064 Art. IV, §5, 1979. Formerly 3.30.420]

3.30.500 Rental readjustment requirement - Long-term leases.

(1) 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 Lewis County every five years; provided, that any lease may provide for more frequent readjustments. When the lease permits the county to adjust the rent, Lewis 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 30 days after date of said notice unless lessee, within 30 days following receipt of notice from Lewis 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 30 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 Lewis County for the appointment of a third arbitrator. Each arbitrator will be a licensed general appraiser.

(2) 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. [Ord. 1154A, 2005; Ord. 1157, 1998; Ord. 1064 Art. IV, §6, 1979. Formerly 3.30.430]

Article VII. Timber

3.30.510 Disposition of timber.

(1) Timber, standing or down, having an estimated value up to \$5,000, shall be disposed of as herein provided for personal property valued at less than \$5,000, except that processing shall be by the property management section in the public works department.

(2) All timber, standing or down, in a county right-of-way and owned by the county is hereby declared surplus property. Timber in the right-of-way having an estimated value up to \$5,000 shall be disposed of without board approval and publication of the sale if the director of public works finds that immediate sale would increase the value of the timber relative to the expected value after publication, due to a purchaser's immediate access to the timber. The director shall document the circumstances warranting sale of the timber without publication and the method for establishing a reasonable price, and shall provide this information to the board within seven calendar days of the sale.

(3) Timber, standing or down, with an estimated value exceeding \$5,000, shall be processed by the property management section of the public works department but shall otherwise follow the procedures for disposition of personal property valued at over \$5,000, without exception. [Ord. 1154A, 2005]

Article VIII. Miscellaneous Provisions

3.30.520 Severability.

If any section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional or invalid at law, such decision shall not affect the validity of the remaining portions of this chapter. [Ord. 1154A, 2005]

3.30.530 Repealer.

Those portions of Lewis County Ordinance Nos. 1064 and 1154 and any and all amendments thereto, expressly or impliedly in conflict with the ordinance codified in this chapter, are hereby repealed as of the effective date of the ordinance codified in this chapter. [Ord. 1154A, 2005]

3.30.540 Effective date.

The effective date of the ordinance codified in this chapter shall be the twenty-eighth day of March, 2005. [Ord. 1154A, 2005]

BOCC AGENDA ITEM SUMMARY

BOCC Meeting Date: Dec. 7, 2021

Suggested Wording for Agenda Item:

Agenda Type: Hearing - Ordinance

Ordinance 1331 - Repeal and replace Chapter 03.30, Management and Disposition of Property, of the Lewis County Code

Contact: Doug Carey

Phone: Ext. 1337

Department: IS - Internal Services (including SWWF and Facilities)

Description:

Ordinance 1331 - Repeal and replace Chapter 03.30, Management and Disposition of Property, of the Lewis County Code

Approvals:

Publication Requirements:

Publications:

User	Status
PA's Office	Approved

Additional Copies:

Doug Carey, Matt Patana, Matt Jaeger, Tim Murphy

Cover Letter To: