

RESOLUTION No. R-2009-04

**A Resolution amending guidelines for disposition of surplus property
for the City of Sequim**

WHEREAS, the City of Sequim occasionally has property which is not needed at present or for the foreseeable future, or that is no longer of value or use to the City; and

WHEREAS, state law does not adequately address requirements for disposal of surplus property or trash or junk; and

WHEREAS, the City desires to establish guidance through a surplus property policy established by resolution, and

WHEREAS, it is in the best interests of the City to have a policy that avoids even the appearance of "insider dealing."

NOW, THEREFORE, BE IT RESOLVED by the City Council that the policy attached as Exhibit A is hereby adopted providing for the disposition of property, other than real estate, which is surplus to the needs of the City or trash or junk. Exhibit B outlines procedures to be followed and which may hereafter be amended.

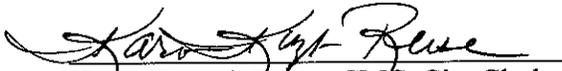
ADOPTED by the Sequim City Council at a regular meeting thereof held this 27th
day of April 2009.

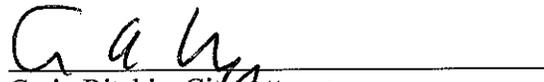


Laura Dubois, Mayor

Attest:

Approved as to form:



Karen Kuznek-Reese, CMC, City Clerk

Craig Ritchie, City Attorney



General Operating Policies

SUBJECT: SALE OF PERSONAL PROPERTY (SURPLUS, JUNK AND USELESS)			CHAPTER: PERSONNEL POLICIES
REVIEWED:	APPROVED:	<input checked="" type="checkbox"/> PERSONNEL <input type="checkbox"/> ADMINISTRATIVE – RESOLUTION _____	EFFECTIVE:

I. PURPOSE. To establish a policy for disposition of property, other than real estate, which is surplus to the needs of the City or Junk or Useless.

II. POLICY.

Personal property belonging to the City may be sold if it is determined that the property is not and will not be needed for City purposes. Notice of intention to sell shall be given as provided in this section. Scrap may be sold by private sale at prices established by current market conditions. Scrap is any equipment or material which cannot serve its original purpose. Trade-ins of old equipment are permitted when it is in the best interests of the City.

If no other City department has use for the property, the following policy shall apply:

- If the estimated value of the surplus property is \$1,000.00 or less, the property may be disposed of in any manner deemed to be in the City's best interests without reporting the matter to City Council.
- If the surplus property has an estimated value between \$1,000.01 and \$15,000.00, the property may be disposed of in one of the specifically approved methods listed herein below without reporting the matter to the City Council:
 - Public auction;
 - Solicitation of written bids;
 - Negotiated sale to one or more designated buyers;
 - Transfer to another agency of government at or below reasonable market value; or
 - Such other method as authorized by City Council.
- If the surplus property has an estimated value of \$15,001.00 or more, the surplus property's disposition must be approved by City Council by Resolution.
- If the property is Junk or Useless as defined in Surplus, Junk or Useless Procedures, such property must be disposed of in an appropriate solid waste container or taken to the landfill or transfer station. It may not be salvaged or taken by any city employee or for any city employee.

Public Notice

If the items are to be sold by public sale, the notice of intent to sell surplus or scrap at a public sale shall be published once a week for two (2) consecutive weeks in the City official newspaper immediately prior to the sale. The notice shall state the time and place at which the property will be sold.



General Operating Policies

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City Property

Any City property that is going to be scrapped, surplus, or traded in will be approved in writing by the appropriate Department Head.

Employees

City employees shall not directly or indirectly use, take, or dispose of City property other than in their official duties. This includes, but is not limited to, articles of clothing, supplies, tools, and vehicles. Items (including clothing) owned by the City found to be unfit for further service on the job shall be turned in to a designated person within each city facility. As the numbers of items turned in justifies, they will be declared surplus or useless and sold or disposed of pursuant to the procedures contained herein.

No City owned item shall be turned over to an individual (employee or other person) for his/her personal use other than items purchased by employee clothing allotments. Employees or employee and retired employee associated organizations shall not request and will not receive any preferential treatment in the disposal or sale of City surplus material.

Certain City employees are excluded from purchasing City surplus items by Washington State law. These include those directly involved in declaring items surplus (i.e., elected officials, department heads, and those administering the sale), RCW 42.23.030(6).

Administration of the Program

The City Clerk is responsible for implementation and administration of the Program. The City Clerk will report to Council at least annually on compliance by the City of Sequim with the Program. The report shall address material matters related to the Program and evaluate the effectiveness of the policies and procedures.

Statutory Requirements

Provisions of the Revised Code of Washington impose special conditions for the disposition of municipal property. Where necessary, City officials shall comply with those laws.

Reference

RCW 35A.80.010 "Public Utilities, General laws applicable"



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RCW 35.94.040 "Lease or sale of land or property originally acquired for public utility purposes"

RCW 39.33.010 "Sale, exchange, transfer, lease of public property authorized - Section deemed alternative"

RCW 39.33.020 "Disposal of surplus property - Hearing - Notice"

RCW 63.21 Found or Unclaimed Property

RCW 63.32



General Operating Procedures

SUBJECT: SURPLUS, JUNK OR USELESS PERSONAL PROPERTY PROGRAM			CHAPTER: PERSONNEL POLICIES
REVIEWED:	APPROVED:	<input checked="" type="checkbox"/> PERSONNEL <input type="checkbox"/> ADMINISTRATIVE – RESOLUTION _____	EFFECTIVE:

- I. **PURPOSE.** To establish procedures for disposition of property, other than real estate, which is surplus, junk or useless to the needs of the City.
- II. **POLICY.** As adopted by Resolution No. R-2009-04.

Definitions.

Surplus. Any tangible personal property owned by the city, which is not needed at present or for the foreseeable future, or that is no longer of value or use to the City. Items included are those purchased, received as gifts, or found.

Junk or Useless Property. Personal property which cannot be sold for an amount sufficient to recoup the cost of sale or disposal. Examples include used pens, broken electronic equipment, broken 3-ring binders, broken furniture and furniture with no net value to any department or at auction.

Declaration of Surplus.

The Department Head shall complete the Surplus Property Transfer form, which is a list of items to declare as surplus. This form shall be submitted to the City Clerk. This list may include any personal property, including equipment, owned by the City and which is in the custody of their departments. The list shall include sufficient information to properly describe the item(s). The list shall also include the preferred method of disposal.

The City Clerk shall circulate the list to each department to determine whether any other department of the city has a use for the property. If such a use is found, the property shall be transferred and shall ensure that, if appropriate, the fund disposing of the property is reimbursed for its reasonable market value. For example, if one of the utility funds owned or is purchasing the property, the appropriate funds shall be transferred.

Method of disposition.

Items may be disposed of by:

- Sealed bid;
- List with the Association of Washington Cities Surplus Program;
- Costco Trade-In & Recycle Program;
- Cell phone trade-in, recycle or charitable donation program which aids the poor or inform;
- Commercial surplus auction businesses under agreement to the city such as propertybureau.com or stealitback.com



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- Negotiated sale to one or more designated buyers;
- Transfer to another agency of government at or below reasonable market value;
- Donation to a charitable or nonprofit organization which aids the poor or infirm;
- Exchanged for credit toward future purchases;
- Other method as to be determined to be in the best interest of the city.

Propertybureau.com and Stealitback.com are compliant with Washington state law for disposal of items and have a current agreement with the Police Department. These companies place the items on the internet for sale. Once the item sells, a check for 50% of the sales is remitted to the city once per month. Those items that do not sell, they destroy. These agencies accept office furniture or computers, as well as cars.

The Sequim Police Department obtains evidence or property of others. RCW 63.21 and 63.32 allows disposal of found or unclaimed property that comes into their possession.

Personal property – Advertising for bids.

When sale of surplus property is to be by written bid, the City Clerk shall publish an advertisement for bids once each week for two consecutive weeks in the official newspaper of the city. The advertisement shall also be posted on the city’s website. The advertisement for bids shall describe the property to be sold or shall refer to specifications on file in the office of the City Clerk, and shall designate when and where the bids are to be submitted, the place and the time that the bids will be opened, the minimum price, if any, and the terms of the sale. Employees who were not directly involved with declaring items surplus, may participate in the bid process.

Disposition of Junk or Useless Property

Junk or useless property may be disposed of by any of the above methods or by disposing of as solid waste. It may not be scavenged, collected or taken by any city employee.

Employees

City employees shall not directly or indirectly use, take, or dispose of City property other than in their official duties. This includes, but is not limited to, articles of clothing, supplies, tools, and vehicles. Items (including clothing) owned by the City found to be unfit for further service on the job shall be turned in to a designated person within each city facility. As the numbers of items turned in justifies, they will be declared surplus and sold pursuant to the procedures contained herein.



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Completion of sale.

Once a purchase price has been determined, a Bill of Sale shall be drawn up and signed by the Department Head, or designee.

III. APPROVAL.

IV. ACKNOWLEDGEMENT.

This is to acknowledge that I have read and understand the City of Sequim's Policy.

Name: _____

Title: _____

Signature: _____

Date: _____