

RESOLUTION NO. 1266

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
DAYTON, WASHINGTON, ESTABLISHING PROCEDURES FOR THE
SURPLUS OF CITY ASSETS AND DISPOSAL OF SURPLUS CITY
ASSETS.

WHEREAS, the City does not presently maintain a disposal of surplus City assets policy and deals with the surplus of assets on a case by case basis; and

WHEREAS, the City Clerk/Treasurer recommends the City establish a uniform procedure for the surplus and disposition of City assets; and

WHEREAS, the Mayor and City Council have reviewed the provisions of this Resolution and have determined that adoption of the policies and procedures set forth in this Resolution are in the best interests of the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. A surplus and disposal of City assets policy and related procedures are adopted and approved as follows:

CITY OF DAYTON SURPLUS AND DISPOSAL POLICY

- A. Council Determines Surplus. Assets of the City that are no longer useable, are no longer of value to the City, or are surplus to the City's needs may not be removed from City ownership, sold, or in any other way disposed without a declaration by the City Council.
- B. Reassignment of Assets. When a City department makes a determination that an asset is surplus to its needs; notification shall be made to the Mayor and City Clerk. Prior to bringing the item to the City Council for determination of whether a declaration of surplus should be granted, the Mayor or designee shall evaluate whether the asset should be reassigned within the City where it can be of use or value.
- C. Minimum Requirements. If it is not reasonable and in the best interests of the City to reassign the asset, the City Clerk shall prepare the asset for a determination by the City Council. Each asset requiring a declaration of surplus

must have a value assigned and a recommended method of disposal by the Department Head or designee.

D. Methods of Disposal.

- 1) Surplus property may be offered for sale by the City. The primary methods of sale to the general public are recognized as follows:
 - a) Trade-In. Property declared as surplus may be offered as a trade-in for credit toward the acquisition of new property.
 - b) Auction. Surplus property may be sold at public auction. Auctions may be conducted by City staff, or the City may contract with a professional auctioneer or electronic auction site.
 - c) Sealed Bids. Sealed bids may be solicited for the sale of surplus property. Surplus property disposed of in this manner shall be sold to the highest responsible bidder.
 - d) Selling for Scrap. Surplus property may be sold as scrap if the City deems that the value of its parts exceeds the value of the surplus property as a whole.
 - e) No Value Item. Where the City determines that property is surplus and of minimal to no value to the City due to spoilage, obsolescence or other cause or where the City determines that the cost of disposal of such property would exceed the recovery value, the City shall dispose of the same in such a manner as they deem appropriate and in the best interest of the City.
- 2) All surplus property is disposed of "as is" and "where is," with no warranty, guarantee, or representation of any kind, expressed or implied, as to the condition, utility or usability of the property offered unless expressly authorized by the City Council.
- 3) Other methods of disposal to the general public must be clearly detailed in writing and must be pre-approved by the City Council.
- 4) The City Council may transfer a surplus asset to another public agency. A transfer of surplus property to another public agency shall be performed in conformance to Chapter 39.33 RCW. The public agency shall submit a written request that shall include a description of the asset. For transfers to another public agency, the City Council may elect to authorize the Mayor to trade for another asset, negotiate payment, or transfer the asset without compensation.

- E. Real Estate, Assets over \$50,000 and Utility Assets. The surplus of real estate, assets over \$50,000 (RCW 39.33.020), and utility assets (Chapter 35.94 RCW), shall be processed pursuant to requirements of state law and as approved by the City Council.
- F. Final Determination of Value. When disposal is made to the general public through sealed bid or auction, final determination of value shall be the highest responsible bid or offer in excess of any minimum bid amount established by the City Council.
- G. Prohibited Benefit. As prescribed by RCW 42.23.030, the Mayor, City Council Members, and City employees who oversee the surplus of city personal property are prohibited from acquiring or purchasing assets of the City declared surplus by the City Council and/or disposed of pursuant to this Policy

City staff not subject to RCW 42.23.030 may acquire or purchase assets of the City declared surplus only after the lapse of 90-days from date of surplus by the City Council.

- H. Statutory Exceptions. Certain city ordinances and provisions of the Revised Code of Washington (RCW) impose special conditions for the disposition of municipal property. Where necessary, city officials shall comply with those laws, treating them as limited exceptions to this chapter. Exceptions include, but are not limited to, the following as they may from time to time be amended:

1. RCW 27.12.305 and 27.12.320 - disposition of library materials;
2. RCW 35.21.088 - equipment rental;
3. RCW 35.21.660 through 35.21.690, 35.21.725 through 35.21.755 - transfers to municipally chartered corporations;
4. RCW 35.21.820 - ride-sharing vehicles;
5. Chapter 35.94 RCW - surplus utility property;

6. Chapters 39.33 and 39.34 RCW - intergovernmental agreements; alternate method for intergovernmental disposition of property;

7. Chapter 46.55 RCW; Chapter 6-4 DMC - disposition of abandoned junk motor vehicles

SECTION 2. SEVERABILITY. If any section, paragraph, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that they would have passed this ordinance and each section, paragraph, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, clauses, or phrases may subsequently be found by competent authority to be unconstitutional or invalid.

SECTION 3. EFFECTIVE DATE. This Resolution shall be effective and in full force immediately upon passage.

8TH PASSED by the City Council of the City of Dayton this day of JUNE, 2015.



Craig George, Mayor

Authenticated By:



Trina Cole, City Clerk-Treasurer