

City of Bellingham Policies

Title: DISPOSAL OF SURPLUS PROPERTY OTHER THAN REAL ESTATE
Code: ADM 10.07.01
Chapter: Administration
Type of Policy: Administrative
Date Developed: January 1, 1983
Developed by: John M. Garner, Public Works Director
Joan Cady, Purchasing and Materials Management Superintendent
Date Revised: August 10, 2000
Revised by:
Approved By: Mark Asmundson, Mayor
Cancels:
See Also:

Purpose

The City has the statutory authority to dispose of property under RCW 35.22.280 and BMC 4.86, as currently enacted and hereinafter amended.

This policy establishes procedures for disposition of property, other than real estate, which is surplus to the needs of the City . It is the intention of this Policy that the procedures set forth here are preferred over others; therefore, special procedures called for under other legislation are to be deemed exceptions to this chapter, and their use is to be limited accordingly .

Scope

All employees of the City of Bellingham .

Definitions

Policy/Conditions

Procedure

RESPONSIBILITY FOR ADMINISTRATION

The City's purchasing manager, or such other officer with equivalent duties as may from time to time be appointed, is responsible for the administration of this policy . The purchasing manager shall coordinate the disposition of surplus property, and shall aid the City Council in determining the best method of disposal . The purchasing manager shall dispose of the property in the manner specified, and shall ensure that the proper fund is credited with any resulting proceeds . Any cost incurred in the sale shall then be paid from the receiving fund (i.e., auctioneer commission, advertising, etc .).

DEFINITION

Surplus is defined as 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 items .

DETERMINATION OF VALUE

A department wishing to dispose of a single item of surplus property, or a group of items, shall make an estimate of the reasonable market value in "as is, where is" condition. If the department cannot make the estimate, the purchasing manager shall determine the reasonable market value.

INITIAL PROCEDURE

The City department responsible for property it wishes to declare surplus shall provide the purchasing manager with a detailed written description of the subject property, its location, condition, and estimated value. The purchasing manager shall then determine if any other City department has use for the property .

If another City department has use for the property, the purchasing manager shall carry out the transfer of ownership and shall ensure that, if necessary, the fund disposing of the property is reimbursed for its reasonable market value .

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

If the estimated value of the surplus property is \$1,000.00 or less, the purchasing manager may dispose of the property 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 \$19,999.99, the purchasing manager may dispose of the property 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 \$20,000.00 or more, the surplus property's disposition must be approved by City Council in the manner provided in BMC 4.86.

POLICY

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 point within the department. As the numbers of items turned in justifies, they will be declared surplus and sold 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).

FOUND ITEMS

Items found by City employees in the course of their duties and not falling into one of the following areas shall be turned in to the department head as a "lost and found" item and disposed of as surplus property . Items found and fitting into one of the following may be disposed of as is reasonable, under the circumstances :

Those that are perishable;

Those that would create a health, sanitary, or safety problem if stored;

Those items that would reasonably be considered garbage .

RCW 63-21-070 specifically disallows employees from personally keeping any property found in the course of employment .

STATUTORY EXCEPTIONS

Items found in the course of their official duties by the Police Department are to be disposed of in accordance with Washington State Law regarding found or abandoned items by Police Departments.

Certain City ordinances and 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, treating them as limited exceptions to this Policy . Exceptions include, but are not limited to, the following, as they may from time to time be amended :

BMC 2.63.050 - Disposition of works of art;

RCW 27.12.305, .320 - Disposition of library materials;

RCW 35.21.088 and BMC Ch. 2.72 - Equipment rental;

RCW 35.21.660 through .690, and .725 through .755 - Transfer to municipally chartered corporations;

RCW 35.21.820 - Ride-sharing vehicles;

RCW Ch. 35.94 - Surplus utility property;

RCW Chs. 39.33 and .34 - Intergovernmental agreements;
alternate method for intergovernmental disposition of property;

RCW 46.52.145, BMC Ch. 11.69 - Disposition of abandoned
junk motor vehicles;

RCW Chs. 63.21 and 63.22., BMC 11.09-.080 through .110 -
Disposition of found or abandoned vehicles .

Related Policies

References/Sources

Appendix/Attachments