

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6189

AN ORDINANCE amending the Bellevue City Code Chapter 4.32 Sale of City Property to increase the limits of the City Manager's authority to dispose of surplus city property and to update the code to reflect modern commercial practices; and establishing an effective date.

WHEREAS, the City's sale or disposition of property practices are subject to state law, the Bellevue City Code, and City policies; and

WHEREAS, Revised Code of Washington, Chapter 35.21.500, provides for codification of city ordinances;

WHEREAS, Bellevue City Code, Chapter 4.32 Sale of City Property (Chapter 4.32) has not been significantly updated to reflect modern commercial practices; and

WHEREAS, the proposed changes to Chapter 4.32 are deemed necessary or desirable for the purpose of modernizing and clarifying the language of said Chapter, as provided in RCW 35.21.500; and

WHEREAS, the proposed changes to Chapter 4.32 are consistent with state law; and

WHEREAS, the proposed changes to Chapter 4.32 will assist the City's continued efforts to improve the efficiency of its operations; and now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 4.32 Sale of City Property of the Bellevue City Code is hereby amended as set forth in full as follows:

BCC 4.32 Sale of City Property

Sections:

- 4.32.010 Sale of unneeded property owned by the city.
- 4.32.020 Sale of personal property of \$10,000 value or less.
- 4.32.030 Alternate methods of sale.
- 4.32.040 Disposition of confiscated, forfeited and released firearms.
- 4.32.050 Sale of other city real property.
- 4.32.060 Sale of real or personal property or equipment originally acquired for public utility purposes.
- 4.32.070 Intergovernmental transfer of real or personal property over \$50,000 in value.

4.32.010 Sale or disposition of unneeded property owned by the city.

Except as provided in BCC 4.32.020 and 4.32.030, the city manager may authorize department directors to declare as surplus any personal property owned by the city and which is in the custody of their departments when they have certified in writing to the Finance Director or his/her designee that the properties are no longer of public use to the city, or that the sale or other disposition thereof would be in the best interests of the city. (Ord. 5760 § 1, 2007; Ord. 5626 § 1, 2005; 1961 code § 2.21.010.)

4.32.020 Sale of personal property of \$10,000 value or less.

Approval of the council is given for the sale or disposition of any personal property with an estimated value of \$10,000 or less which has been certified for disposition by the Finance Director or his/her designee, such sale or disposition to be made by the Finance Director or his/her designee in accordance with informal procedures and in the best interest of the city. (Ord. 5626 § 1, 2005; Ord. 1981 § 1, 1973; 1961 code § 2.21.020.)

4.32.030 Methods of sale.

Notwithstanding any other section of this chapter, when city property with an estimated value of over \$10,000 is to be sold, the Finance Director or his/her designee may, with prior approval of the city manager or his/her designee, sell or dispose of the property in any legal, commercially reasonable manner in the best interests of the city, including but not limited to public auction, private sale, sealed bid, exchange of in-kind goods, or through a broker or agent. The city shall comply with any notice requirements imposed by law for the sale. (Ord. 5626 § 1, 2005; Ord. 2331 § 1, 1976.)

4.32.040 Disposition of confiscated, forfeited and released firearms.

All firearms taken into the custody of the Bellevue police department, not retained for law enforcement use and no longer needed for evidence, shall be disposed of as follows:

- A. Antique firearms and firearms recognized as curios, relics and firearms of particular historical significance by the United States Treasury Department, Bureau of Alcohol, Tobacco and Firearms shall be disposed of by auction or trade to licensed dealers.
- B. Firearms lawful to possess that have been ordered by a court of competent jurisdiction to be returned to the owner under RCW 9.41.098(3), or for which a timely claim has been filed by the owner under RCW 63.32.010, shall be returned to the owner.
- C. The Bellevue police department may retain legal forfeited firearms for law enforcement use as determined by the chief of police.
- D. All other firearms that are judicially or administratively forfeited, forfeited due to failure to timely claim them following notice from the city pursuant to Chapter 63.32 RCW, or released by their owner to the department for destruction shall be destroyed. (Ord. 5626 § 1, 2005; Ord. 5209 § 1, 2000.)

4.32.060 Sale of city real property.

Except as provided in BCC 4.32.020 and 4.32.030, any sale of real property shall be submitted to the council for approval. A public hearing on the proposed sale is not required. (Ord. 5760 § 5, 2007.)

4.32.070 Sale or disposition of real or personal property or equipment originally acquired for public utility purposes.

Whenever the city shall determine, by council resolution, that any lands, property or equipment originally acquired for public utility purposes is surplus to the city's needs and is not required for providing continued public utility service, then the council by resolution and after a public hearing may cause such lands, property or equipment to be sold, leased, or conveyed. Such resolution shall state the fair market value and such other terms and conditions for such disposition as the council deems to be in the best public interest (RCW 35.94.040). (Ord. 5760 § 2, 2007; Ord. 5626 § 1, 2005.)

4.32.090 Intergovernmental transfer of real or personal property over \$50,000 in value.

Before disposing of surplus real or personal property with an estimated value of more than \$50,000 in an intergovernmental transfer as authorized by RCW 39.33.010, now or as hereafter amended, the city shall hold a public hearing in the manner and with notice as prescribed by RCW 39.33.020, now or as hereafter amended. (Ord. 5760 § 3, 2007.)

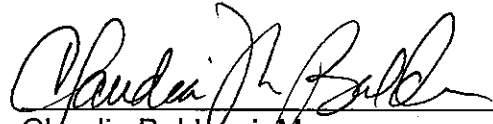
Section 2. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 3. This ordinance shall take effect and be in force thirty (30) days after passage and legal publication.

1417-ORD
10/29/14

Passed by the City Council this 3rd day of November, 2014
and signed in authentication of its passage this 3rd day of November,
2014.

(SEAL)



Claudia Balducci, Mayor

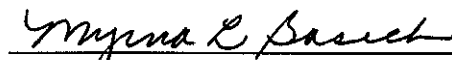
Approved as to form:

Lori M. Riordan, City Attorney



Darcie Durr, Assistant City Attorney

Attest:



Myrna L. Basich, City Clerk

Published November 6, 2014.