

**BENTON COUNTY
PERSONAL PROPERTY MANAGEMENT POLICY**

PURPOSE

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. This policy is adopted by Benton County as its comprehensive procedures for the management of county-owned personal property consistent with the public interest. These procedures are not exclusive, however, and the county may exercise any authority lawfully granted for the management and disposition of real property.

DEFINITIONS

1. The term "board" shall mean the Board of Benton County Commissioners.
2. The term "personal property manager" shall mean the Benton County Auditor.
3. "Personal property" shall mean the personal property owned solely by Benton County.

AUTHORITY TO DISPOSE OF PERSONAL PROPERTY

1. The personal property manager shall compile, maintain, and update an inventory of county personal property consistent with Resolution 95-357.
2. When any elected official or county department determines his or her office or department no longer needs an item of personal property, he or she shall cause a declaration of surplus to be submitted to the personal property manager on an approved form indicating whether the property has an estimated salvage value of less than \$100.
3. Upon receipt of a declaration of surplus, the personal property manager shall determine if the personal property is desired by any other county department or office and, if appropriate, make arrangements so that possession may be transferred to such other department or office. If the personal property manager determines no other department or office desires such property, the personal property manager shall notify the Board of all personal property that is requested to be declared surplus.
4. The personal property manager shall recommend that potential surplus property not desired by any county agency be declared surplus.
5. With respect to each potential item of surplus personal property, the personal property manager shall submit a recommendation to the board for the immediate sale, exchange, lease, discarding as waste, or recycling of the property.
6. The board shall review the recommendations of the personal property manager and declare such personal property as surplus when appropriate.
7. Whenever the board determines that it is in the best interest of the county to sell, lease, exchange, or otherwise dispose of any surplus property belonging to the county, the county may dispose of such property in accordance with this policy.
8. If the board determines a sale of any surplus personal property is in the best interest of the public, it shall mandate a sale method consistent with this policy.

SALE OR LEASE METHODS

If the Board orders the sale of any surplus personal property, it shall direct that the property be sold by one of the following methods:

1. **Public Auction.** County personal property may be sold at public auction to the highest and best bidder. The auction shall be conducted by or through the county treasurer or such other person as the board or treasurer may designate. The treasurer may contract with another government agency or official, or with a private party, to conduct the auction. Advance written notice of the sale shall be provided by publication, posting, and/or such other means as the treasurer or his or her designate deems appropriate. The board shall set a minimum bid.
2. **Sealed Bids.** County personal property may be sold or leased by sealed bids to the highest and best bidder. The sale shall be conducted by or through the county treasurer or such other person as the board or treasurer may designate. Advance written notice of the sale shall be provided by publication, posting, and/or such other means as the treasurer or his or her designate deems appropriate. The board shall set a minimum bid.
3. **Private Negotiation.** County personal property may be sold or leased to governmental agencies or private parties by private negotiation upon such terms and conditions as may be mutually agreed upon.
4. **Other Methods.** Property may be sold or leased through other methods that the board determines are in the best interest of the county in having the property sold or leased in a timely manner for its fair-market value, and in receiving full payment at or before the time of any sale.

EXCHANGE OF PERSONAL PROPERTY

If the board determines it to be in the public interest to exchange an item of surplus personal property for valuable consideration, it shall authorize such exchange upon the terms and conditions it deems appropriate.

DISPOSAL OF PERSONAL PROPERTY

If the indicated estimated value of an item of surplus personal property is less than \$100, and the board determines it to be in the best interest of the public to dispose of as waste or to recycle such an item of surplus personal property, it may so order.

NOTICE AND HEARING

Before authorizing the sale of any item of county personal property with an estimated value of \$5000 or more, the board shall hold a public hearing. Notice of the public hearing shall be given by publication in the official county newspaper. The notice shall specify the date, time, and purpose of the hearing and shall generally describe the property being considered for sale. The notice shall be published once, at least 10 days, but no more than 25 days, before the hearing. Before authorizing the sale of any county personal property with an estimated value of more than

\$50,000, notice of the public hearing must be given in accordance with RCW 39.33.020. Any interested person may speak at such hearing. After the hearing is closed, the board shall determine whether it is in the best interest of the county to declare the personal property surplus and sell it according to this policy.

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**BENTON COUNTY
REAL PROPERTY MANAGEMENT POLICY**

PURPOSE

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. This resolution is adopted by Benton County as its comprehensive procedures for the management of county real property consistent with the public interest. These procedures are not exclusive, however, and the county may exercise any authority lawfully granted for the management and disposition of real property.

DEFINITIONS

1. The term “board” shall mean the Board of Benton County Commissioners.
2. The term “property manager” shall mean the individual employed, contracted with, or appointed by the board to assist in the management of county real property.
3. “Fee simple property” shall mean those real properties, which Benton County owns in fee.
4. “Tax-title property” shall mean any tract of land acquired by the county for lack of other bidders at a tax foreclosure sale.

AUTHORITY TO SELL/LEASE

Whenever the board determines that it is in the best interest of the county to sell, lease, or otherwise dispose of any real property belonging to the county, including tax-title property subject to the provisions of RCW Chapters 84.64 and/or 36.35, the county may sell, lease, or dispose of such property in accordance with this policy.

COUNTY FEE SIMPLE PROPERTY

1. The property manager shall annually compile, maintain, and update an inventory of county fee simple property.
2. After conferring with county departments, the property manager shall submit an annual end of the year report to the board regarding the need for retention of fee simple property held.
3. The property manager shall identify county fee simple property, which is not needed for retention as potential surplus fee simple property.
4. The property manager shall recommend that potential surplus fee simple property that is not useable by any county agency be declared surplus.

5. The board shall review the recommendations of the property manager and declare such fee simple property as surplus when appropriate.
6. The property manager shall prepare a summary report on each parcel of potential surplus fee simple property which shall include:
 - a. assessed value
 - b. fair-market value estimate, and if appropriate, appraisal
 - c. area
 - d. date acquired
 - e. price paid by county
 - f. easements of record
 - g. improvements
 - h. liens or interests of record
 - i. zoning and land use status
 - j. any other pertinent data
7. The property manager shall develop a marketing plan for each parcel of surplus fee simple property and may distribute information regarding the availability of surplus property to potentially interested parties, including:
 - a. governmental agencies and community organizations
 - b. area realtors
 - c. area land developers
 - d. adjoining property owners
 - e. other potentially interested parties
8. With respect to each parcel of surplus fee simple property, the property manager shall submit a recommendation to the board for the immediate sale, exchange, or lease of the property, subdivision of the property, or deferral of sale for more favorable market.
9. If the board determines a sale of any surplus fee simple property is in the best interest of the public, it shall determine a sale method consistent with this policy.
10. If the board decides to lease any fee simple property, whether surplus or not, it shall arrange a lease agreement consistent with this policy.

SALE METHODS – FEE SIMPLE PROPERTY

If the board authorizes the sale of any county fee simple property, it shall direct that the property be sold by one of the following methods:

1. **Public Auction.** County fee simple property may be sold at public auction to the highest and best bidder. The auction shall be conducted by or through the county treasurer or such other person as the board or treasurer may designate. The treasurer may contract with another government agency or official, or with a private party, to conduct the auction. Advance written notice of the sale shall be provided by publication, posting, and/or such other means as the treasurer or his or her designate deems appropriate. The board shall set a minimum bid.
2. **Sealed Bids.** County fee simple property may be sold by sealed bids to the highest and best bidder. The sale shall be conducted by the county treasurer or such other person as the treasurer may designate. Advance written notice of the sale shall be provided by

- publication, posting, and/or such other means as the treasurer or his or her designate deems appropriate. The board shall set a minimum bid.
3. Private Negotiation. County fee simple property may be sold to governmental agencies or private parties by private negotiation upon such terms and conditions as may be mutually agreed upon.
 4. Other Methods. County fee simple property may be sold through other methods that the board determines are in the best interest of the county in having the property sold in a timely manner for its fair-market value, and in receiving full payment at or before the time of sale.
 5. Proceeds Disbursement of County Fee Simple Property . The proceeds of sale of county fee simple property (except in cases of trade-in allowances upon purchases of like property) shall be made payable to the “county treasurer”, who shall general receipt it and execute the proper documents transferring title attested to by the county auditor. In no case shall the title be transferred until the purchase price has been fully paid.

COUNTY TAX-TITLE PROPERTY

1. The property manager shall annually compile, maintain, and update an inventory of tax-title property.
2. The property manager shall prepare a summary report on each parcel of tax-title property which includes all available information:
 - a. assessed value
 - b. fair-market value estimate
 - c. area
 - d. date acquired
 - e. principal amount of unpaid taxes and irrigation assessments at time of the foreclosure (NOTE: it is very important that the most current data be obtained as this may effect the minimum sale price)
 - f. easements of record
 - g. improvements
 - h. liens or interests of record
 - i. zoning and land use status
 - j. any other pertinent data
3. The property manager shall develop a marketing plan for each parcel of tax-title property and may distribute information regarding the availability of tax-title property to potentially interested parties, including:
 - a. governmental agencies and community organizations
 - b. area realtors
 - c. area land developers
 - d. adjoining property owners
 - e. other potentially interested parties
4. With respect to each parcel of tax-title property, the property manager shall submit a recommendation to the board for the immediate sale, exchange, or lease of the property, subdivision of the property, or deferral of sale for more favorable market.
5. If the board determines a sale of any tax-title property is in the best interest of the public, it shall determine a sale method consistent with this policy.

6. If the board decides to lease any tax-title property, whether surplus or not, it shall arrange a lease agreement consistent with this policy and RCW 36.35.140 (governing distribution of rental proceeds).

SALE METHODS – TAX-TITLE PROPERTY

1. **Public Auction.** County tax-title property generally must be sold at a public auction to the highest and best bidder for not less than the minimum bid ordered by the board. When setting the minimum sale price, the board shall consider, but is not bound by the amount of unpaid property taxes, drainage or diking district assessments, drainage or diking improvement district assessments, mosquito district assessments, and irrigation assessments and/or any potential irrigation district assessments. The auction shall be conducted by the county treasurer or such other person as the treasurer may designate. The treasurer may contract with another governmental agency or official, or with a private party, to conduct the auction. Advance written notice of the sale and the terms of the sale shall be consistent to RCW 36.35.120.
2. **Private Negotiations.** Pursuant to RCW 36.35.150, tax-title property may be disposed of by private negotiation and for not less than the principal amount of unpaid taxes and assessments only in the following circumstances:
 - a. When the sale is to any governmental agency and for public purposes;
 - b. When the county legislative authority determines that it is not practical to build on the property due to the physical characteristics of the property or legal restrictions on construction activities on the property;
 - c. When the property has an assessed value of less than five hundred dollars and the property is sold to an adjoining landowner; or
 - d. When no acceptable bids were received at an attempted tax-title public auction of the property pursuant to section (1) above, if the sale is made within twelve months from the date of the attempted tax-title public auction.
3. **Proceeds Disbursement of County Tax-Title Property.** The proceeds of county tax-title property acquired by the county by tax deed shall be given to the county treasurer to justly apportion to the various funds existing at the date of the sale, in the territory in which such property is located, according to the tax levies of the year last in process of collection. See RCW 36.35.110.

LEASE METHODS

If the board authorizes the lease of any county fee simple property, it shall direct that the property be leased by one of the following methods:

1. **Public Auction.** County fee simple property may be leased at public auction to the highest and best bidder. The auction shall be conducted by the county treasurer or such other person as the treasurer may designate. The treasurer may contract with another government agency or official, or with a private party, to conduct the auction. Advance written notice of the auction shall be provided by publication, posting, and/or such other

means as the treasurer or his or her designate deems appropriate. The board shall set a minimum bid.

2. Sealed Bids. County fee simple property may be leased to the highest and best bidder after receiving sealed bids. The bid process shall be conducted by the county treasurer or such other person as the treasurer may designate. Advance written notice of the bid process shall be provided by publication, posting, and/or such other means as the treasurer or his or her designate deems appropriate. The board shall set a minimum bid.
3. Private Negotiation. County fee simple property may be leased to governmental agencies or private parties by private negotiation upon such terms and conditions as may be mutually agreed upon.
4. Other Methods. County fee simple property may be leased through other methods that the board determines are in the best interest of the county in having the property leased in a timely manner for its fair-market value.

Lease of County tax title property may be authorized by the board in accordance with the provisions of RCW 36.35.140.

NOTICE AND HEARING OF SALES

Before authorizing the sale of any county real property with an estimated value of \$5,000 or more, the board shall hold a public hearing. Notice of the public hearing shall be given by publication in the official county newspaper. The notice shall specify the date, time, and purpose of the hearing and shall generally describe the property being considered for sale. The notice shall be published once, at least 10 days, but no more than 25 days, before the hearing. Before authorizing the sale or disposal of any county real property with an estimated value of more than \$50,000, notice of the public hearing must be given in accordance with RCW 39.33.020. Any interested person may speak at the hearing. After the hearing is closed, the board shall determine whether it is in the best interest of the county to sell the property.

12370

RESOLUTION 07-752

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

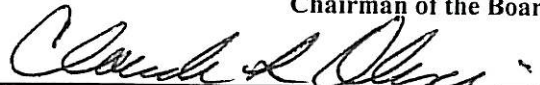
IN THE MATTER OF COUNTY POLICY RE: ADOPTING BENTON COUNTY
PERSONAL AND REAL PROPERTY MANAGEMENT POLICIES AND
RESCINDING RESOLUTION 98-234

BE IT RESOLVED that the Board of Benton County Commissioners hereby adopts the
attached personal and real property management policies as more further defined in
Exhibits A and B and hereby rescinds resolution 98-234.

Dated this 15 day of October, 2007



Chairman of the Board



Chairman Pro-Tem



Member

Attest:



Clerk of the Board

Constituting the Board of County
Commissioners of Benton County,
Washington