RESOLUTION NO. 2012-002

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER PARK, WASHINGTON, ADOPTING A DISPOSAL OF SURPLUS CITY ASSETS POLICY.

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 disposition of City assets, other than real estate, assets valued in excess of $50,000, and utility 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 DEER PARK, WASHINGTON, HEREBY RESOLVE AS FOLLOWS:

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

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 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.

D. **Methods of Disposal.** Primary methods of disposal to the general public are recognized as sealed bid, trade-in, or auction. Other methods of disposal to the general public must be clearly detailed in writing and must be pre-approved by the City Council.

The City Council may transfer a surplus asset to another public agency upon written request and a determination that it is in the public interest to do so. Such request shall specify the asset and the inability of the transferee agency to otherwise afford to buy it. 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.** The Mayor, City Council Members, and City employees shall be prohibited from acquiring or purchasing assets of the City declared surplus by the City council and disposed of pursuant to this Policy.

Section 2. Severability. If any section, sentence, clause or phrase of this Resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Resolution.

Section 3. This Resolution shall be effective immediately upon passage by the City Council.

RESOLVED the 4 day of January, 2012.

APPROVED:

MAYOR ROBERT WHISMAN

ATTEST/AUTHENTICATED:

DEBY CRAGUN, CITY CLERK/TREASURER