

FRANKLIN COUNTY ORDINANCE 01-2025
BEFORE THE BOARD OF COUNTY COMMISSIONERS OF
FRANKLIN COUNTY, WASHINGTON

**AN ORDINANCE CREATING AND CODIFYING FRANKLIN COUNTY'S
PROPERTY MANAGEMENT POLICY.**

WHEREAS, pursuant to RCW 36.34.005, the Board of Commissioners has the authority to create a property management policy; and

WHEREAS, after holding multiple workshops, the Board of County Commissioners for Franklin County discussed this matter at a properly noticed public hearing on March 19, 2025; and

WHEREAS, upon careful consideration of matters presented at the public hearing, the Board finds that it is in the best interest of the County to adopt an ordinance on property management.

NOW, THEREFORE, BE IT ORDAINED as follows:

That a new Chapter be added to the Franklin County Code in the form substantially as set forth below, except that any scrivener's errors not affecting the substance of the code may be amended as necessary to ensure proper grammar, punctuation, and spelling errors, as may be necessary:

Chapter 2.40

PROPERTY MANAGEMENT

2.40.010 Purpose

Pursuant to public notice and hearing, and in accordance with RCW 36.34.005 Franklin County hereby establishes the following comprehensive procedures for the management of County owned real and personal property. This chapter shall be construed in accordance with, and all county property management activities shall be guided by, the following declaration of policy and purpose:

- (1) To provide efficient management and protection for all county controlled properties;
- (2) To ensure the maximum return of all sales, rentals, or leases of county controlled properties, except as otherwise provided herein; and
- (3) To dispose of all property which is not required for county purposes.

2.40.020 Powers herein supplemental

Except to the extent otherwise provided for herein, this chapter supersedes the provisions of Chapter 36.34 RCW; PROVIDED, that the county shall retain all powers now or hereinafter granted by Chapter 36.34 RCW to the extent it decides to utilize such powers. If the county does utilize powers under Chapter 36.34 RCW, it shall also follow all procedural requirements under that Chapter.

2.40.030 Definitions

- (1) "Board" means the Board of County Commissioners of Franklin County.
- (2) "County" means Franklin County, State of Washington
- (3) "Property Manager" shall mean the County Administrator or designee unless otherwise designated by the Board.

2.40.040 Property Manager

The Property Manager shall serve at the pleasure of the Board. The Property Manager shall perform those duties delegated to such position under this chapter.

2.40.050 Inventory of real property

The Property Manager shall maintain, with the assistance of controlling departments, a perpetual inventory of all property, including tax title property, owned or leased by or with the County, except for road rights-of-way, showing at a minimum the method of acquisition, departmental custodianship, estimated value, special characteristics, improvements, and present and potential uses.

2.40.060 Acquisition of personal property

Personal property may be acquired by purchase or lease in accordance with the provisions of RCW 36.32.240 through 36.32.270, RCW 36.82.130 and other applicable laws and regulations.

2.40.070 Declaring real property surplus

Whenever it appears to the Board of Franklin County Commissioners, that it is for the best interest of the County and the people thereof that real property belonging to the County should be sold, the Board of Franklin County Commissioners shall, by resolution after holding a public hearing, declare such property surplus to the needs of the County and authorize the sale and conveyance of such property under the limitations and restrictions and in the manner hereinafter provided. In making such sales, the Board of Franklin County Commissioners may sell timber, mineral, water rights, or other resources on any land owned by the County separate and apart from the land or may reserve such rights to the County.

2.40.075 Leasing property.

Whenever it appears to the Board of County Commissioners, that it is for the best interest of the County and the people thereof that real property belonging to the County should be leased, the Board of County Commissioners shall, by resolution after holding a public hearing, authorize the

lease of such property under such limitations and restrictions and in the manner hereinafter provided. In granting such leases, the Board may concomitantly offer the lessor an option to purchase such property provided the property is also declared surplus under FCC 2.40.070 and is sold as otherwise required by this Chapter.

2.40.080 Minimum price of real property

The Board of Franklin County Commissioners may, discuss and consider in executive session or set by other lawful means, a minimum price, and may authorize determination of the minimum price by appraisal or market analysis, at which the real property may be sold or leased, including tax title property.

The factors for consideration of the sale or lease price, which should be provided to the Board by the Property Manager or designee, shall include:

- (1) Appraisal or market analysis price. Including highest and best use or any declination of value based on conditions of use of the property or covenants placed by the county.
- (2) Property tax or sales tax generation capacity by potential purchaser or lessor.
- (3) Essential services to be provided by potential purchaser needed by the community.
- (4) The purchaser or lessor's use consistent with neighborhood plan or improvements.
- (5) Availability to other governmental entities for siting essential services.
- (6) Principal amount tax, irrigation, and nuisance liens (if applicable).
- (7) Easements of record.
- (8) Zoning and comprehensive plan land use designation.
- (9) Any other pertinent data for valuation of property.

No sale or lease shall be made for less than the minimum price fixed by the Board.

2.40.090 Real property dedications inapplicable

The Director of Planning and Building Services is authorized to accept on behalf of Franklin County conveyances not involving the direct expenditure of county funds made to satisfy conditions of a short plat, conditional use permit, site plan or other county land use approval; PROVIDED, that acceptance of plant conditions shall comply with RCW 58.17.165 through 58.17.170; and Title 16 FCC, along with all applicable state or federal law.

2.40.100 Procedure for sale or lease of real property

The Franklin County Board of Commissioners shall determine which of the following methods shall be used to facilitate the sale or lease of real property owned by the County and shall set forth such determination in the resolution after holding a public hearing. Formal notice of the public hearing shall be the same as for any regular or special meeting, as applicable. Passage of such resolution does not bind the Board to sell or lease the property using only such method if such method proves, over a reasonable period of time, to be unsuccessful. However any decision regarding an alternate method of sale or lease shall be approved by the Board at an open public meeting. Any sale or lease of real property may be facilitated by:

- (1) *Competitive Bid Auction.* Following solicitation of bids, a reasonable period for response, and the opening of bids, the County may sell or lease the property to the highest responsible bidder under the terms and conditions as approved by the county. Such auction shall be conducted through the County Treasurer or such other person as the board or county treasurer may designate. The County 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 designee deems appropriate, or as provided for in RCW or WAC. However, the Board shall set the minimum bid amount as indicated herein.
- (2) *Realtor Listing.* The property may be listed for sale or lease through a qualified licensed realtor. The realtor may be selected upon the request for qualifications, for either continuing professional services or for an individual property. The County may select a real estate agent by the aforementioned methods or by a service contract or listing agreement.
- (3) *Negotiated Sale or Lease.* The Franklin County Board of Commissioners shall set forth its reasons in the resolution declaring its desire to attempt a negotiated sale or lease. A negotiated sale, in addition to any other terms which may be mutually agreeable to the parties, may include an provision by which the seller agrees to pay the purchase price plus interest in installments over a set period of time.
- (4) *Other Method Authorized by Statute.* When a sale or lease by a method other than through a competitive bid or as provided above is authorized by State or Federal law.
- (5) *Emergency Sales.* When the Franklin County Board of Commissioners setting forth the facts by resolution has declared an emergency exists, the Board may direct the manner of sale or lease appropriate to meet the emergency.

2.40.110 Negotiated sales or leases

Following the passage of a resolution as provided herein, the Franklin County Board of Commissioners shall direct the obtaining of at least one appraisal or a market analysis for the property being considered for sale. An appraisal or market analysis may be required for leases at the discretion of the Board.

The appraisal or market analysis shall be performed by an independent qualified appraiser or realtor to determine the value of the property for the purpose it is intended to be used, and the value of the property for such other circumstances as the Board of Franklin County Commissioners may direct.

The appraisal or market analysis shall be performed not more than six months prior to the date of sale unless the Franklin County Board of Commissioners by resolution setting forth its reasons provides for a longer period of time. The results of the appraisal or market analysis shall be made public prior to the Board's approval of the sale of the real property. No real property shall be sold for less than the appraisal or market analysis price unless the Board sets forth its reasons by resolution. Nothing herein shall limit the Board's ability to order an appraisal prior to declaring property surplus. In such case, the Board may rely on such prior appraisal.

2.40.120 Competitive bid auction

- (1) *Advertisement of Sale or lease of Real Property – Publication and Posting.* The Clerk of the Board shall publish an advertisement for bids once each week for two successive weeks in the official newspaper of the county. All proposed sales or leases may be advertised by any notice posted on a public bulletin board in a conspicuous place at the Franklin County Courthouse, upon the county's website, or upon a third-party website suitable for the sale or lease of real property. Both such posting and the date of last publication must be at least five (5) calendar days before the final date for submitting the bids.
- (2) *Contents of Advertisement for Sale of Real Property.* The advertisement for bids shall particularly describe the property or portion thereof proposed to be sold or leased; shall designate the place and time that the bids will be opened; shall set forth the minimum price; and shall set forth the terms of the sale or lease.
- (3) *Opening Bids for Sale of Real Property – Rejection.* The bids shall be opened in public at the time and place stated in the newspaper publication. The Board of Franklin County Commissioners may reject any and all bids, or bid, for any one or more of the parcels of realty included in the advertisement for bids.

2.40.130 Listed sale or lease

The County may list with a qualified realtor the property for sale or lease under the terms of a negotiated listing agreement. The Property Manager shall prepare a listing agreement that contains the minimum asking price, services to be performed by the realtor, any other terms consistent deemed necessary by the County, and the condition that the agreement is subject to approval by the Franklin County Board of Commissioners prior to creation of a binding contract.

2.40.140 Contents of advertisement for sale or lease of real property

The advertisement for sealed bids shall particularly describe the property or portion thereof proposed to be sold, shall designate the place and the time that the bids will be opened, shall set

forth the minimum price established by the Board of Franklin County Commissioners, and shall set forth the terms of the sale or lease.

2.40.150 Opening bids for sale or lease of real property – rejection

The sealed bids shall be opened in public at the time and place stated in the newspaper publication. The Board of Franklin County Commissioners may reject any or all bids, or the bid for any one or more of parcels.

2.40.160 Deed to real property

Upon the approval of the sale of any real property by the Board, the Franklin County Commissioners shall approve the necessary real estate contract and/or deed by motion or resolution thereby directing the Property Manager to execute the same.

2.40.170 Authority to sell personal property

- (1) Personal property with an estimated value, per item, of less than \$10,000 may be declared surplus by the Board of County Commissioners or the Property Manager and disposed of in a manner determined by the Department Head or Elected Official to be most advantageous to the County. However, the value of multiple items should be aggregated when it is commercially reasonable to do so, such as when items have more value when sold together as part of a set or bundle. The Property Manager shall not have authority to declare property held by an elected office or department surplus without prior approval by the elected official or department head. In the event of any such disagreement, the Board shall hold a public hearing to whether such property shall be declared surplus via resolution.
- (2) Personal property valued in excess of \$10,000, per item, may be declared surplus after a public hearing and disposed of with authorization from the Board of County Commissioners, including minimum sale price, if any, and the manner of disposal.
- (3) Personal property may be traded by an elected, department head, or Property Manager as consideration in the acquisition of replacement personal property when such replacement property is included as an authorized expenditure in the County's current operating budget, or so otherwise approved by the Board of County Commissioners
- (4) Salvage/junk metals that have accumulated for purposes of sale as scrap metals may be disposed of by the elected official, department head, or Property Manager having responsibility for such materials, in which case the metals shall be sold to the local dealer(s) offering the best current market price per measured weight or volume determined by telephone survey or other reasonable means.

2.40.180 Methods of disposal of personal property

Personal property declared surplus may be disposed of through one of the following methods:

- (1) By transfer to a governmental agency;

(2) In trade as credit toward the purchase of a replacement; or

(3) By sale through competitive sealed bid, public auction, consignment or internet auction.

2.40.190 Advertisement of sale of personal property by consignment or internet auction

In the event that surplus property is determined to be sold by consignment or internet auction, the Clerk of the Franklin County Board of Commissioners shall cause that notice of such sale shall be given in such a manner as to provide reasonable notice to potential buyers of the sale.

2.40.200 Advertisement of auction or sale of personal property – publication – posting

In the event the Board, Property Manager, department head, or elected official vested with authority under this Chapter determines an auction or sale is necessary, Clerk of the Franklin County Board of Commissioners shall publish an advertisement of auction or sale once each week for two successive weeks in the official city newspaper. All pending sales shall also be advertised by a notice posted on a public bulletin board in a conspicuous place at the Franklin County Courthouse. Both posting and the date of last publication must be at least five calendar days before the date for submitting the bids or the date of such sale.

2.40.210 Contents of advertisement for the sales of personal property

The advertisement for bids must particularly describe the property proposed to be sold or shall refer to approved specifications on file in the office of the County Clerk's office, designate the place and the time when the bids will be opened, and shall set forth the minimum price established by the Board of County Commissioners.

2.40.220 Opening bids for sales of personal property – Rejection

In the event of an auction, sealed bids shall be opened in public at the time and place stated in the newspaper publication. The Board of County Commissioners may reject any or all bids, or the bid for any one or more of the articles included in the advertisement for bids.

2.40.230 Sale of personal property for cash – exceptions

Sales of personal property must be for cash except as follows:

(1) When property is transferred to a governmental agency;

(2) When the County property is to be traded in on the purchase of a replacement, in which case the proposed cash allowance for the trade-in must be a part of the proposition to be submitted by the seller in the transaction.

2.40.240 Bill of sale to personal property

Upon the sale of any property, the Clerk of the Franklin County Board shall, upon request, have the necessary bill of sale issued and executed as required by law.

2.40.245 Disposal of personal property of no value or are unsold

Property Manager shall be provided the authority to discard, scrap, donate, or give away any personal property that the county was unable to be sold through methods provided for in this chapter or have been deemed so by the Board of County Commissioners.

APPROVED this 12 day of MARCH, 2025.

**BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON**



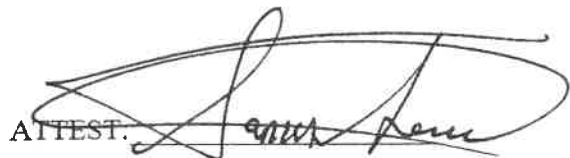
Chair



Chair Pro-Tem



Member

ATTEST. 

Clerk of the Board