

ORDINANCE NO. 19 - 2010

AN ORDINANCE AMENDING CHAPTER 2.104 OF THE COUNTY CODE
REGULATING PROCEDURES
FOR THE LEASE OR RENTAL OF REAL PROPERTY

BACKGROUND

- A. San Juan County has adopted procedures in Chapter 2 Title 104 of the County code for the management of County property. The County code includes regulations for the rental and lease of County property.
- B. The rental of real property owned by the County for two years or less is a process that is appropriately administered by the County Administrator and does not need to come before the County Council.
- C. The County conducted a duly advertised public hearing and has received public testimony.

NOW, THEREFORE, BE IT ORDAINED by the County Council of San Juan County, state of Washington, as follows:

Section 1. San Juan County Code 2.104.120 and Ordinance 27-2007 § 9 are each amended to read as follows:

2.104.120 Lease or rental of real property.

A. If it appears that it is in the best interest of the County, the County council may lease or rent any real property and its appurtenances. Every lease or rental of land bank property shall be made only for uses not inconsistent with or detrimental to the purpose/rationale which justified the acquisition and only upon the recommendation of the Land Bank commissioners.

B. The rental of real property or real property interests for less than two years may be done by direct negotiation without publishing a notice of intent to rent or holding a public hearing, provided the rental rate reflects the fair rental value of the property. Rental agreements may be executed by the County administrator.

C. The lease of real property may be done by direct negotiations. No lease shall be executed until after publishing a notice of intent to lease and holding a public hearing regarding the proposed lease. Notice shall be published at least 10 days before the public hearing. Leases must either be executed by the County council or by the County administrator if so authorized by the council.

D. Fair Market Value. Prior to renting or leasing real property, the County or Land Bank real estate officer shall conduct, or have conducted, a market review or rental study to determine the fair rental or leasehold value of the property. The County council shall consider the results of the study in setting the terms of the lease/rental. The County administrator shall consider the results of the study in setting the terms of a rental agreement.

E. Temporary Events. Use of County property for temporary events may be done through a license agreement or permit executed by department heads or elected officials responsible for the management of the County property. This shall include, for example, commercial use permits issued by the Parks department or the Land Bank.

FE. Proceeds. All proceeds from leases and rentals of real or personal property shall be deposited in the applicable County fund that has management responsibility over the property as designated by County ordinance or state law. Proceeds from the lease or rental of Land Bank real property shall be credited to the Land Bank's conservation area fund or stewardship fund.


Section 2. Effective Date.

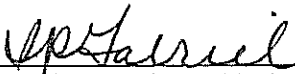
This Ordinance is effective on the 10th working day after adoption

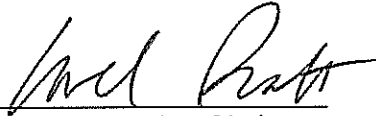
ADOPTED this 8th day of JUNE 2010.

COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON


ATTEST: Clerk of the Council

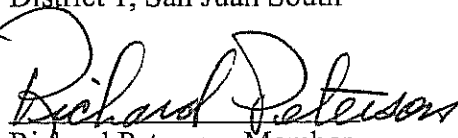

Richard Fralick, Chair
District 4, Orcas West/Waldron

By: 
Ingrid Gabriel - Clerk
Date: JUNE 8, 2010

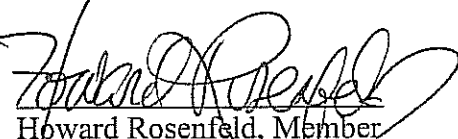

Lovel Pratt, Vice-Chair
District 1, San Juan South

REVIEWED BY COUNTY
ADMINISTRATOR

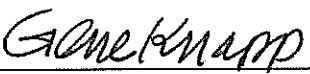

Pete Rose Date: 5-12-10

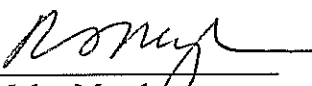

Richard Peterson, Member
District 2, San Juan North

APPROVED AS TO FORM ONLY
RANDALL K. GAYLORD


Howard Rosenfeld, Member
District 3, Friday Harbor

By: 
Date:


Gene Knapp, Member
District 5, Orcas East


Bob Myhr, Member
District 6, Lopez/Shaw