

## SALT LAKE COUNTY ORDINANCE\

ORDINANCE NO. \_\_\_\_\_, 2019

### REAL PROPERTY DISPOSAL AMENDMENTS

AN ORDINANCE AMENDING CHAPTER 3.36, ENTITLED “PROPERTY DISPOSAL” OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, DELETING APPLICATION TO THE SALE OF PERSONAL PROPERTY; PROVIDING DEFINITIONS; REVISING PROVISIONS REGARDING REAL PROPERTY INTERESTS, DISPOSAL METHODS AND RECORD KEEPING; REVISING APPLICATION TO LIBRARY REAL PROPERTY; AND MAKING RELATED CHANGES.

The County Legislative Body of Salt Lake County ordains as follows:

SECTION I. The amendments made here are designated by underlining the new substituted words. Words being deleted are designated by brackets and interlineations.

SECTION II. Chapter 3.36 of the Salt Lake County Code of Ordinances, 2001, is amended to read follows:

#### **Chapter 3.36 – REAL PROPERTY DISPOSAL**

##### **3.36.010 - Purpose of provisions—Statutory authority.**

In enacting the ordinance codified in this chapter, it is the purpose of the council to provide for the manner of disposal of ~~[surplus]~~ real property held by the county. The county mayor shall dispose of, or control the disposition of any county real property, but no dispositions of real property shall be final without the approval of the county council. Under the direction of the county mayor, the real estate division shall have discretion over the disposition and manner of disposition of real property.

##### **3.36.015 – Definitions.**

A. For the purposes of this chapter, the following definitions apply:

1. County Agency: Any department, division, elected office, or other subdivision of County government.
2. Full and Adequate Consideration: Consideration for a piece of real property that is at least reasonably proximate to the real property's fair market value. Such consideration may be other than monetary.
3. Improvements: Buildings and other structures permanently affixed to real property.
4. Public Hearing: Any special or regularly scheduled meeting of the County council, at which all persons interested in the hearing's subject may appear and be heard.
5. Real Estate Manager: The Director of the County's Real Estate Division, who is responsible for the disposition of surplus County real property.
6. Real Property: Land and improvements thereon.
7. Significant Parcel of Real Property: Real property valued in excess of \$250,000.
8. Surplus Real Property: Real property that is no longer needed by any County agency for the performance of its duties.

**3.36.020 – Disposal of real property – interests. ~~{Disposal of property authorized when-  
Procedures.}~~**

A. The following interests in real property shall be disposed of in accordance with the provisions of this ordinance:

1. Fee interests.
2. Easement interests.
3. Leasehold interests, subject to the provisions set forth in Section 3.36.030.

B. All other interests in real property shall be managed by the real estate division in accordance with state statute and these ordinances.

~~[Except as modified by other provisions of this chapter, the mayor may dispose of, or control the disposition of any county property, including lost or abandoned property, or any legal or equitable interest in property, the disposition of which is determined to be in the public interest and in accordance with good property management. The disposition of property, or any interest therein, may be by public or private sale, exchange, exchange and sale, option to purchase, lease, lease with an option to purchase, rental, trade-in, public auction, public advertisement for sealed bids, or any other lawful manner or means. Such disposition shall not be for less than a full and adequate consideration unless otherwise permitted by law, and such consideration may be other than monetary. Any sale or other disposition by public advertisement for sealed bids shall be conducted in accordance with the provisions of Chapter 3.20 of this title.~~

~~3.36.030 — Personal property.~~

- ~~A. — The power to dispose of surplus, obsolete or unusable personal property held by the county is vested in the county purchasing agent, and such disposition may be made in any manner authorized in Section 3.36.020 of this chapter.~~
- ~~B. — The fleet management board may declare as surplus personal property those public safety vehicles with public safety equipment installed in and on the vehicles, whether marked or unmarked police vehicles, upon the advice of the director of the county fleet management division and authorize the fleet director to sell the surplus vehicles to other local government public safety organizations for fair and adequate consideration without advertisement or sealed bid. The county mayor must ratify the sales of all surplus public safety vehicles prior to finalization of the sale. If the fleet director cannot sell the surplus public safety vehicles as public safety vehicles to any other governmental entity, then the public safety~~

~~equipment will be removed and the surplus vehicles will be sold through the county's surplus sales.]~~

**3.36.03[4]0 – Disposal of real property – methods. ~~[Real property.~~**

~~A. The disposition of real property shall be made only with the approval of the council. Real property that is in public use with a value in excess of fifty thousand dollars and real property not in public use with a value in excess of one hundred thousand dollars are deemed significant parcels of real property and shall be disposed of only after a public hearing and notice thereof. For purposes of this section easements are not deemed significant parcels of real property.~~

- ~~1. Real property in public use is that including, but not limited to, realty and improvements thereon in actual current use as governmental offices or other public buildings, courthouses, jails, police stations, fire stations, developed parks or other recreational or entertainment facilities, libraries, schools or other educational facilities, utilities, cemeteries, animal control facilities, hospitals or other health facilities, facilities for the welfare of the indigent, sanitary landfills, or any other realty or improvement thereon, public roads or public rights of way, held for the benefit or advantage of the general public and not confined to use by privileged or particular individuals, without regard to whether that use may be classified as governmental or proprietary.~~
- ~~2. Realty not in public use is that including, but not limited to, realty or improvements thereon existing as vacant lands; real property with vacant or unused buildings, structures or other improvements thereon; buildings used as maintenance or repair facilities and not open to the general public; buildings rented or leased by the county to private entities; or~~

~~any other realty or improvements thereon not held for the benefit or advantages of the public nor open to the general public or to a substantial portion thereof.]~~

B]A. ~~[The]~~ Subject to the conditions set forth herein, the real estate ~~[section]~~ division shall have discretion over the disposition and manner of disposition of ~~[surplus]~~ real property ~~[subject to this section, and]~~ in accordance with the best interests of county government, the protection of the people of the county, and good property-management techniques; provided, however, no such disposition shall be finalized without the approval of the council.

1. The disposition of real property, or of the interests enumerated in Section 3.36.020, shall be by any lawful manner or means, including:

- a. Sale;
- b. Exchange;
- c. Option to purchase;
- d. Lease (subject to Subsection 5 below).

2. Dispositions shall not be for less than a full and adequate consideration unless otherwise permitted by law.

3. Proposed dispositions of significant parcels of real property require a public hearing. Public notice shall be given of any public hearing to dispose of a significant parcel of real property. This notice shall contain the date, time and place of the hearing, a statement of the purpose of the hearing, and, for the purposes of this ordinance, a description of the real property or the interest therein to be disposed. Pursuant to Utah Code 17-50-312, such notice shall be published prior to the hearing on the Utah Public Notice Website, created in Section 63F-1-701 of the Utah Code, as well as at least once in a newspaper in general

circulation in the county, and the hearing shall not be held sooner than fourteen days after the publication of the notice thereof.

4. The mayor and real estate division shall notify the county council of their recommended manner and method of disposition for significant parcels of real property.

5. The following leases shall be treated as dispositions for the purposes of this Chapter:

a. Leases of significant parcels of real property;

b. Leases with terms of 20 years or longer;

c. Leases of real property below the real property's fair market lease value.

6. All other leases shall be managed by the real estate division.

~~[C. An organization may request in writing to the division that certain real property be disposed of. The request shall be forwarded to the council for approval along with the division's recommendation.~~

### ~~3.36.050 – Public hearings.~~

~~When required by this chapter, the council shall call and hold a public hearing concerning dispositions of realty, which hearing may be at any special or regularly scheduled meeting of the council at which hearing all interested persons may appear and be heard. Public notice shall be given of the hearing, which shall contain the date, time and place thereof, a statement of the purpose of the hearing, and a description of the real property or the interest therein to be disposed of. Such notice shall be published at least once prior to the hearing in a newspaper of general circulation in the county, and the hearing shall be held not sooner than fourteen days after the publication of the notice thereof.]~~

### **3.36.04~~[6]~~0 - Recordkeeping.**

The real estate ~~[section]~~ division shall maintain permanent public records of all dispositions and ~~[reflecting a description of the real property disposed, [or otherwise conveyed,] an appraisal of the real property, the manner of disposition, the consideration received by the county, the identity of the [person] entity to whom such real property was sold or otherwise disposed of, the date of disposition, the date of approval by the council, and the nature of the county's use of the real property prior to disposition. The real estate division]~~ shall notify applicable county agencies ~~[the auditor]~~ of such dispositions. ~~[disposal of property carried on the county fixed asset inventory.]~~

### **3.36.05~~[7]~~0 - Applicability of provisions—Credits for certain agencies.**

The provisions of this chapter shall be applicable to all boards, commissions, authorities, councils or other bodies within the jurisdiction of the county owning or holding real ~~[or personal]~~ property. When real ~~[or personal]~~ property is disposed of under the provisions of this chapter and such property was purchased by a county agency or other body that has an independent revenue base or that has a fund separate from the general fund, and the procedures established by the auditor have been properly followed, that agency's fund shall be credited with the amount realized from the disposition. ~~[For net proceeds less than one thousand dollars per separate sale, the amount will be credited to the general fund.]~~ If the county receives something other than monetary consideration for the disposition, distribution of that consideration shall be in accordance with the direction of the mayor.

### **3.36.06~~[8]~~0 - Public library system materials.**

~~[A.—Upon the request of the county library board of directors, the mayor may declare surplus and authorize the disposal by the library director of books, audio-visual materials, or other~~

~~informational materials that are no longer needed, required or suitable for use in the county library system. Such disposition may be accomplished in any manner authorized under this title or by sale to individual members of the public after the item being sold has been publicly displayed as being for sale and the sale price has been clearly marked thereon prior to the sale. The sale price of each item sold by public display shall be as determined by the library director and approved by the library board, and upon the sale of the item it shall be marked "purchased at public sale." All proceeds from the sale of books, audio visual materials, and other informational materials under this chapter shall be deposited into the county library fund for library use. The library director may, subject to the approval by the library board of directors, dispose of surplus books, magazines, audio visual and informational items displayed for sale, but remaining unsold, by transferring to such public entities, non-profit entities, or community groups or projects as the library board deems appropriate. The transfer to nonprofit entities, community groups or projects shall be for fair and adequate consideration unless in the judgment of the library director and the library board the items have little or no market value, in which event the property may be transferred without consideration if the recipient pays the cost of delivery and agrees to use the materials for educational or informational purposes, or, if such a recipient cannot be located with reasonable effort, the material may be discarded or donated without consideration to a nonprofit entity, community group or project. The disposition of property other than books, audio visual materials or other informational materials held by the library system shall be under the control of the county purchasing agent in accordance with Section 3.36.030 of this chapter.~~

B.] The disposition of real[ty] property ~~[and improvements thereon]~~ held in the name of the county for the use and benefit of the library system ~~[must]~~ shall be made with the approval of



the council [~~as provided in Section 9-7-504, Utah Code Annotated (1953)~~]. Such approval shall be granted only for the disposition of library real property [~~by and under the direction of the contracts and procurement division, as provided and in accordance with Sections 3.36.040 and 3.36.050 of this chapter.~~] by and under the direction of the real estate division, as provided and in accordance with Section 3.36.030 of this chapter.

~~[3.36.0[9]0 — Purchase of real property — Fee required.~~

~~Any person requesting to purchase surplus real property from the county, other than at a public auction or in response to a solicitation from the county, shall pay to the county a fee in the amount of one hundred dollars at the time such request is made. Such fee shall be nonrefundable, but shall be a credit against the sale price of such property in the event the sale is completed.]~~

Section III. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication of the ordinance or a summary thereof in a newspaper of general circulation in Salt Lake County.

APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019

SALT LAKE COUNTY COUNCIL:

By: \_\_\_\_\_

Richard Snelgrove, Chair

Date: \_\_\_\_\_

ATTEST:

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Sherrie Swensen  
Salt Lake County Clerk

APPROVED AS TO FORM:

Gavin Anderson 6 Aug 2019

Deputy District Attorney

Council Member Bradley voting \_\_\_\_\_  
Council Member Bradshaw voting \_\_\_\_\_  
Council Member Burdick voting \_\_\_\_\_  
Council Member DeBry voting \_\_\_\_\_  
Council Member Ghorbani voting \_\_\_\_\_  
Council Member Granato voting \_\_\_\_\_  
Council Member Jensen voting \_\_\_\_\_  
Council Member Newton voting \_\_\_\_\_  
Council Member Snelgrove voting \_\_\_\_\_

VETOED and DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

By: \_\_\_\_\_  
Jennifer Wilson, Mayor

(Complete as Applicable)

Veto override: Yes \_\_\_\_\_ No \_\_\_\_\_ Date \_\_\_\_\_

Ordinance published in newspaper: Date \_\_\_\_\_

SUMMARY OF SALT LAKE COUNTY ORDINANCE NO. \_\_\_\_\_.

On the \_\_\_\_\_ day of \_\_\_\_\_, 2019, the County Council of Salt Lake County adopted Ordinance No. \_\_\_\_\_, which amends Chapter 3.36, entitled "Property Disposal" of the Salt Lake County Code of Ordinances, 2001, deleting application to the sale of personal property; providing definitions; revising provisions regarding real property interests, disposal methods and record keeping; revising application to Library real property; and making related changes.

APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

SALT LAKE COUNTY COUNCIL:

By: \_\_\_\_\_  
Richard Snelgrove, Chair

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Sherrie Swensen  
Salt Lake County Clerk

APPROVED AS TO FORM:

Gavin Anderson 6 Aug 2019  
Deputy District Attorney

Council Member Bradley voting \_\_\_\_\_  
Council Member Bradshaw voting \_\_\_\_\_  
Council Member Burdick voting \_\_\_\_\_  
Council Member DeBry voting \_\_\_\_\_  
Council Member Ghorbani voting \_\_\_\_\_  
Council Member Granato voting \_\_\_\_\_  
Council Member Jensen voting \_\_\_\_\_  
Council Member Newton voting \_\_\_\_\_  
Council Member Snelgrove voting \_\_\_\_\_

A complete copy of Ordinance No. \_\_\_\_\_ is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2700A. Salt Lake City. Utah.