

ORDINANCE NO. 10717

AN ORDINANCE RELATING TO TEMPORARY USES OF CITY PROPERTY, AND AMENDING CHAPTER 4.88 OF THE BELLINGHAM MUNICIPAL CODE.

WHEREAS, Bellingham Municipal Code chapter 4.88 sets forth procedures for leases and other temporary uses of City real property; and,

WHEREAS, it is the City Council's determination that granting of temporary concessions on City property should not require action by the City Council; and,

WHEREAS, chapter 4.88 also sets forth certain functions to be performed by the City's "real property manager"; and,

WHEREAS, the City does not presently have or plan to create such a position, and those functions can be performed by the affected City departments,

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN as follows:

Section 1: Bellingham Municipal Code section 4.88.020 is amended to read as follows:

4.88.020 Responsibility for Administration.

The City department head most directly affected by the use of the property in question is responsible for the administration of this chapter. The department head shall coordinate the leasing and similar temporary use of real property and buildings, and shall aid the council in determining the best method of lease administration. The department head shall cooperate with all department heads to ensure the most efficient and beneficial use of city real property.

Section 2: Bellingham Municipal Code section 4.88.030 is amended to read as follows:

4.88.030 Proposal to Appropriate Department - Initial Procedure.

Any person, agency or city department may submit a proposal for lease or other temporary use of city real property or buildings to the appropriate department. Proposals shall be brief summaries in writing, generally describing the property, its intended use, and any special conditions. The department head shall then:

A. Determine if any other department of the city has use for the real property and if so, the details of that intended use;

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
Telephone (360)676-6903

B. In cooperation with the other department(s), prepare a summary report in writing for initial review by a committee of the council. The reviewing committee shall be that designated by the president of the council, and will usually be the committee having supervision of the department administering the real property.

C. In the case of concessions on city property for seasonal or temporary periods of time, the mayor may enter into an agreement with the concessionaire without prior council approval; provided, that the mayor shall report to the council the nature of the agreement prior to signing. A "concession" is defined as the provision of limited services (food, beverages, recreational amenities, and the like) by an independent contractor on city property.

Section 3: Bellingham Municipal Code section 4.88.040 is amended to read as follows:

4.88.040 Summary Procedure

The council review committee has authority to direct summary disposition of the proposal. In this connection:

A. [Unchanged.]

B. Where summary procedure is decided upon, the council review committee shall give the appropriate department head specific instructions on arranging for use of the property. The instructions may include, but are not limited to:

(1) - (3) [Unchanged.]

C. The department head is responsible for carrying out the directions of the council review committee, and to this end shall cooperate with any city department, officer, or advisory board having an interest in the property.

D. If the department head cannot fully carry out the instructions of the council review committee, he or she shall report back to the committee, with recommendation for further action.

Section 4: Bellingham Municipal Code section 4.88.050 is amended to read as follows:

4.88.050 Regular Procedure.

In cases which the summary procedure is not authorized:

A. The council review committee shall instruct the department head on the method for arriving at a satisfactory written agreement for submission to the full council. Methods include but are not limited to:

(1) - (5) [Unchanged.]

B. The department head is responsible for carrying out the directions of the council review committee, and to this end shall cooperate with any other city department, officer, or advisory board having an interest in the property.

C. Upon successful compliance with the instructions of the council review committee, the department head shall prepare a report to the full council, including:

(1) - (5) [Unchanged.]

D. If the department head cannot fully carry out the instruction of the council review committee, he or she shall report back to the committee, with recommendations for further action.

Section 5: Bellingham Municipal Code section 4.88.060 is amended to read as follows:

4.88.060 Action by Council.

Under the regular procedure, final action may only be taken by the full council, as follows:

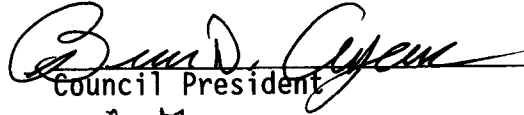
A. The department head shall submit his or her report and associated papers to the council finance committee, or such other committee as the council president shall designate. The committee shall review the report, and shall make its recommendations for action to the full council.

B. [Unchanged.]

C. Final action by council shall be by motion, and shall authorize the department head to:

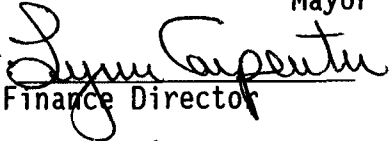
(1) - (2) [Unchanged.]

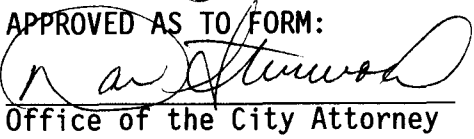
PASSED by the Council this 11th day of March, 1996.


Council President

APPROVED by me this 20th day of March, 1996.


Mayor

ATTEST: 
Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

PUBLISHED:
MAR 23, 1996

LEGAL ADVERTISING INSERTION ORDER/INVOICE

THE BELLINGHAM HERALD

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Your Legal Advertising for the total month will be summarized on your monthly statement. *676-6900.*

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		\$ _____	\$ <u>0</u>		\$ <u>10.36</u>																
		\$ _____																			
DAY	MON	TUE	WED	THU	FRI	<u>SAT</u>	SUN	<i>City of Bellingham 210 Lottie St. Bham, WA 98225</i>													
MONTH	1	2	<u>3</u>	4	5	6	7				8	9	10	11	12						
DATE	1	2	3	4	5	6	7				8	9	10	11	12						
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STATE OF WASHINGTON, }
COUNTY OF WHATCOM, } **ss Affidavit of Publication**

Gail Kihn

being first duly sworn on oath says: That (s)he is the Public Notices Clerk of The Bellingham Herald, a daily newspaper of general circulation in said county and state and of Federated Publications, Inc., a Delaware Corporation (publisher of said newspaper), and authorized to make this affidavit; that the legal notice entitled in the cause and court named on the attached copy which is a true and correct copy of the original (and hereinafter referred to as "Notice") was published in the regular and entire issue, and not in supplement, of each number of said newspaper published and circulated on the following dates, to wit:


March 23, 1996

City of Bellingham
ORDINANCE NO. 10717
AN ORDINANCE RE-
LATING TO TEMPO-
RARY USES OF CITY
PROPERTY, AND
AMENDING CHAPTER
4.88 OF THE BELLING-
HAM MUNICIPAL
CODE.
For further context of the
ordinance, call the Fi-
nance Dept. 676-6900.
(L5836)

that for more than six months prior to the date of the first publica-
tion of said Notice, at all times since, and now, the said "The Bell-
ingham Herald" has been established, published and circulated in
the English language continuously and continually as a daily
newspaper in the city of Bellingham, Whatcom County, Washing-
ton, the same being at all times printed either in whole or in part in
an office maintained at said place of publication; that such news-
paper has been approved as a legal newspaper by order of the
Superior Court of Whatcom County, Washington; that the full
amount of the fee charged for such publication is \$ 10.36



Subscribed and sworn to before me this
26th day of March, 19 96


NOTARY PUBLIC in and for the State of Washington,
residing at Bellingham

