

City of Oberlin, Ohio

ORDINANCE No. 11-45 AC CMS

AN ORDINANCE AMENDING SECTION 121.03 OF THE CODIFIED ORDINANCES OF THE CITY OF OBERLIN, OHIO, TO REVISE THE PRACTICES FOR DISPOSITION OF SURPLUS MUNICIPAL PERSONAL PROPERTY AND DECLARING AN EMERGENCY

WHEREAS, new methods and technologies are now available to the City to advertise and solicit bids for the disposal of surplus municipal personal property; and

WHEREAS, the adoption of some of those new methods and technologies will expedite and improve the disposition of said surplus personal property.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That Chapter 121.03 of the Oberlin Codified Ordinances is hereby amended to read as follows:

121.03 DISPOSITION OF SURPLUS MUNICIPAL PERSONAL PROPERTY.

The City Manager is hereby granted the authority and responsibility to provide for the orderly disposition of surplus Municipal property. The authority and responsibility shall be exercised in the following manner:

- a) The City Manager shall periodically prepare an itemized list of surplus Municipal personal property which is no longer useful or necessary for any current Municipal purpose. The list shall be in such form so as to separately list all items determined by the City Manager (or appropriate Appointee) to have a fair market value of more than three thousand dollars (\$3,000), and all items determined by the City Manager (or appropriate Appointee) to have a fair market value of three thousand dollars (\$3,000) or less.**
- b) For those items on the surplus property list that have been determined to have a fair market value of three thousand dollars (\$3,000) or less, the City Manager shall dispose of the property upon such terms and conditions as the City Manager shall deem to be appropriate and in the best interests of the City.**
- c) For those items on the surplus property list that have been determined to have a fair market value of more than three thousand dollars (\$3,000), the City Manager shall submit a list of items to be disposed of to the City Council for approval by motion, and the items shall be disposed of in one of the following ways:**
 - 1. Sealed bids after advertising at least one time in a newspaper of general circulation in the City or after advertising for at least one (1) week on the City's website.**
 - 2. Public auction after advertising at least one time in a newspaper of general circulation in the City or after advertising for one (1) week on the City's website.**

3. Through a commercial or government auction website with simultaneous announcement in a newspaper of general circulation in the City or on the City's website.
 4. Trade-in on the purchase of replacement product.
 5. Pursuant to a sale or trade to another governmental agency as set forth in subsection (e) hereinafter.
- d) If, during preparation of the surplus Municipal personal property list, the City Manager determines that certain Municipal personal property has little or no value, the City Manager is authorized to cause such property to be properly **recycled**, disposed of or sold as scrap.
- e) The City Manager may sell or trade surplus Municipal property to another governmental agency, without the necessity of advertising, bids or auction sale, pursuant to the following procedure:
1. The City Manager shall notify City Council of the property to be sold or traded, its estimated fair market value, and the consideration to be received for the property.
 2. If the estimated fair market value of the property is greater than three thousand dollars (\$3,000), City Council must approve the transaction by motion.

SECTION 2. That it is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operation of a municipal department, to wit:

“to amend the procedure relating to the disposition of surplus municipal property as soon as possible in order to ensure the efficient operation of the municipal government ”, and shall take effect immediately upon passage.

PASSED: 1st Reading – June 20, 2011 (Amended)
2nd Reading – July 5, 2011 (S, E)
3rd Reading –

ATTEST:



BELINDA B. ANDERSON, CMC
CLERK OF COUNCIL



SHARON F. SOUCY
VICE PRESIDENT OF COUNCIL

POSTED: 07/06/2011

EFFECTIVE DATE: 07/05/2011