

Ordinance No. 8499

AN ORDINANCE AMENDING SECTION 151.04 OF THE CODIFIED ORDINANCES OF THE CITY OF DEFIANCE, OHIO

WHEREAS, the City Administration desires to sell obsolete personal property that no longer has any viable use for the City in an expeditious manner; and,

WHEREAS, Council desires to amend this ordinance to enable the City Administration to sell excess personal property at the best price for the City in the manner proscribed by Section 151.04(b) of the Codified Ordinances of Defiance, Ohio;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: Section 151.04 of the Codified Ordinances of the City of Defiance, Ohio is hereby amended to provide (deleted text stricken, newly added text underlined):

151.04 SALE OF SURPLUS PERSONAL PROPERTY.

(a) ~~An ordinance of record~~ Approval by the Board of Control shall be required to authorize the sale of personal property, ~~having an estimated value of four thousand dollars (\$4,000). The Department Head responsible for the management of personal property having an estimated value of less than four thousand dollars (\$4,000) may sell the same upon concurrence of the~~ The Board of Control shall determine that the asset to be sold is not needed for Municipal purposes. Any determination by the Board of Control to authorize the sale of surplus property shall be documented in the minutes of the meeting at which the action is taken.

(b) Unless otherwise ~~provided~~ directed by an ordinance adopted ~~the Board of Control~~ in accordance with subsection (a), a Department Head authorized to sell surplus property may do so by:

(1) Sale to the highest bidder at public auction following advertisement of the date, time and place at which such auction is to be conducted;

(2) Sale in accordance with the terms of a written contract awarded to the highest responsive and responsible bidder submitting a sealed bid in response to an advertised solicitation of proposals to purchase the items to be sold;

(3) ~~Trade-in allowance~~ pursuant to the terms of a written contract awarded in conformity with Section 721.15(B) of the Ohio Revised Code;

(4) Sale to the United States, State of Ohio or a political subdivision of the State of Ohio in accordance with the terms of a written contract authorized by general laws.

(5) Sale by internet auction conducted in conformity with the following requirements:

A. All sales shall be conducted at www.govdeals.com in accordance with the terms and conditions of online sales appended to the contract between the City of Defiance and GovDeals, Inc., dated April 13, 2010, and such amendments thereto as may be in effect on the date an item is listed for sale;

B. ~~The listing agreement~~ for each item to be sold shall provide that bids will be accepted for a period of 10 days or such longer period as the Department Head may specify.

C. Notice of each auction shall be published on the home page of the City of Defiance website prior to commencement of the auction and at all times during which bids may be submitted for the item offered for sale. The Notice shall contain a brief description of the item offered for sale, the beginning and ending dates of the period during which bids will be accepted and a link to the www.govdeals.com page at which a complete description of the item and terms and conditions of sale are published and at which bids to purchase the item may be submitted.

(c) Advertisements required by this section shall be published once per week for two consecutive weeks in a newspaper of general circulation in the City. Additional advertisement may be authorized by the Board of Control.

Section 2: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

Section 3: This Ordinance shall be effective on the earliest date permitted by law.

Passed: April 25, 2023

David McMaster
President of Council

Attest: Lisa Elders, Clerk

Approved: April 25, 2023

Michael McCann
Mayor