

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

84-344

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

repealed by
ORD 499

In the Matter of the Adoption)
of an Ordinance Setting Forth)
Procedures for the Disposal of)
Surplus Personal Property)
ORDINANCE NO. 380

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of County business, in special session, Commissioners David E. Bishop, Ted Lopuszynski, and Robin J. Hamblet being present, on the 20th day of June, 1984.

WHEREAS, from time to time, the County must dispose of surplus personal property no longer needed by the County for public purposes; and

WHEREAS, no written procedure is presently available to guide the disposal of said personal property; and

WHEREAS, this Ordinance will provide such a procedure insuring that said property will be disposed of in the public interest; NOW THEREFORE

THE YAMHILL COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:

SECTION 1. DEFINITIONS - The following definitions shall apply to the provisions of this Ordinance:

1.01 APPROPRIATE NEWSPAPER - Shall mean such newspaper as determined in the discretion of the director to be suitable for giving appropriate notice to bidders, given the value of the property, the type of property and the expected return.

1.02 BOARD - Shall mean the Board of Commissioners for Yamhill County.

1.03 COMPETITIVE BID - Shall mean a bid received as a result of an advertisement for the sale of surplus property and includes a bid received either at public auction or a sealed bid.

1.04 DIRECTOR - Shall mean the Director of the Department of Administrative Services of Yamhill County.

1.05 PUBLIC AUCTION - Shall mean a sale of surplus property to which the public is invited to submit either written or oral bids for the surplus property.

1.06 SEALED BID - Shall mean a bid submitted in writing and sealed in an envelope, to be opened at a specific time and place set forth in the appropriate advertisement.

1.07 SURPLUS PROPERTY - Shall mean that personal property of the County which is no longer needed for public purposes.

SECTION 2. DUTIES OF DIRECTOR

2.01 DUTIES - The Director shall be responsible for assembling, collecting, appraising and securing surplus property of the County. In so doing, the Director may in his/her discretion make such arrangements as Director determines are appropriate for the storage, repair or recondition of such surplus property. The Director shall also be responsible for the sale or other disposal of said property in accordance with the terms of this Ordinance.

2.02 DIRECTOR'S AUTHORITY - The Director shall have authority to execute on behalf of Yamhill County all documents, including but not limited to bills of sale necessary for the performance of the duties as provided for herein. The signature of the Director on a bill of sale shall be sufficient to convey all right, title and interest of Yamhill County in the subject property.

2.03 APPRAISAL REQUIRED - The Director shall, prior to the sale or other disposition of surplus property, have the same appraised by duly qualified appraiser or such other person or source generally recognized by persons dealing in the particular type of property being appraised as an authoritative and accurate source of value information. The appraisal shall set forth fair market value of a particular piece of property, given its condition, usefulness and such other factors as may be appropriate. Where both a wholesale and retail value exists for the particular type of property, the appraisal shall set forth both values.

SECTION 3. DISPOSAL

3.01 SALE OR GIFT TO OTHER GOVERNMENTS AND NONPROFIT CORPORATIONS - The Director may, in his/her discretion, or upon such terms as the Board may direct, shall sell, or convey, without competitive bid, and with or without compensation, surplus property of the County to a unit of local government, school district, the State of Oregon or its agencies, the U.S. Government or its agencies, or those nonprofit corporations which are eligible under federal law to acquire surplus property so long as said surplus property is to be utilized for public purpose. The restriction provided for herein that the property be utilized for a public purpose applies to any disposal of surplus property, pursuant to this Section, regardless of who the recipient of said property is.

3.02 PROPERTY WITH AN APPRAISED VALUE UNDER \$50 - The Director may sell or convey, upon such terms as the Director deems appropriate, to private party, any surplus property with an appraised value of less than \$50. As used in this section, the term "the appraised value" means the wholesale value, where such value exists. In all other cases, the appraised value shall be that value set forth in section 2.03 above. A sale pursuant to this section must be approved by the Board before it becomes final.

3.03 PROPERTY WITH AN APPRAISED VALUE OF \$50 OR GREATER - Property with an appraised value of \$50 or greater may be sold by the Director to private parties as follows:

- a) If the property is of the type which is customarily sold on a recognized market it may be sold on that market without competitive bid provided the price received is equal to or greater than wholesale value determined under section 2.03 of this Ordinance. If there is no wholesale value, then the appraised value shall apply. Property shall not be sold under this subsection for less than the wholesale value, or if there is no wholesale value, the appraised value.

- b) Notwithstanding the provisions of subsection (a) above, or section 3.02, any surplus property may be sold by competitive bid. Property which does not fall within the terms of subsection (a) or section 3.02 or property which is not disposed of under section 3.01 shall be sold in the manner prescribed in this subsection. Sale of property by competitive bid shall be either by public auction or sealed bid, whichever is determined at the discretion of the Director to be appropriate. In either event, the Director shall publish at least once a week for two successive weeks, in an appropriate newspaper, public notice of either the public auction or request for sealed bids. The notice shall contain descriptions of the items to be sold, when and where the items may be viewed and the time and place of the public auction or the time and place for the submission of sealed bids, whichever is applicable. Nothing in this section prevents the Director from sending such other notices as may be determined to be appropriate.

3.05 BOARD APPROVAL - Except as provided in section 3.01, the Director shall not sell surplus property for less than the wholesale value or appraised value, whichever is lower, without approval by the Board. The Board shall approve such a sale upon a finding that said sale meets all of the following criteria:

- a) The steps taken by the Director in securing a purchaser were reasonable;
- b) Further efforts by the Director to secure a better price or other purchaser are not likely to be successful or will result in additional costs which would off-set any expected increase in the purchase price;
- c) The price offered was not reached as a result of collusion;
- d) The sale will not result in a financial benefit to the Board, the Director, or any members of their immediate families; and
- e) The sale would be in the best interest of the citizens of Yamhill County.

SECTION 4 LIST OF PROPERTY

4.01 LIST OF SURPLUS PROPERTY - The Director shall, by August 1st of each year and at such other times as may be necessary, present a list of surplus property to the Board for its consideration. The list shall contain all personal property proposed for disposal, the appraised value of said property, and the manner by which that value was determined. Upon approval of the list by the Board, the Director shall cause the same to be sent to the various County departments, cities, school districts and special districts located within Yamhill County.

The Director shall not sell any surplus property to private persons until two weeks after the parties listed herein have been notified of the list. The parties listed herein shall be accorded preference in the sale of surplus property.

SECTION 5 OTHER LAWS

5.01 - This Ordinance is in addition to any other requirement which may arise as the result of federal or state law, rule or regulation which restricts the use or transfer of surplus property in general, or of a particular piece of surplus property.

SECTION 6 EFFECTIVE DATE

6.01 EFFECTIVE ON PASSAGE - This Ordinance being necessary to preserve the health, safety and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, shall be effective upon passage hereof.

DONE this 20th day of June, 1984, at McMinnville, Oregon.

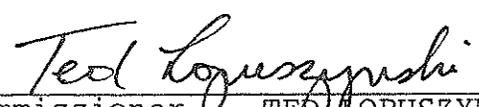
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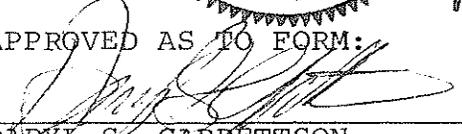
YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STUBBS
County Clerk


Chairman DAVID E. BISHOP

By: 
Deputy ELAINE RORACEY


Commissioner TED LOPUSZYNSKI

APPROVED AS TO FORM:

DARYL S. GARRETTSON
County Counsel


Commissioner ROBIN J. HAMBLET