

YAMHILL COUNTY CLERK
JAN 11 3 17 PM '90
CHARLES B. BERN
COLLEEN B. BERN
DEPUTY

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

90-026

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

INDEXED

In the Matter of the Adoption)
of an Ordinance Establishing)
Procedures for the Disposal of) ORDINANCE NO. 499
Surplus Personal Property)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business, in special session, on the 10th day of January, 1990, Commissioners Bishop, Goecks and Lopuszynski being present.

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

WHEREAS, this ordinance will establish 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 - A newspaper determined in the discretion of the director to be suitable to provide appropriate notice to bidders, giving the value and type of property, and the expected return.

1.02 Board - The Board of Commissioners of Yamhill County.

1.03 Competitive Bid - A bid received as a result of an advertisement for the sale of surplus property including a bid received either at public auction or a sealed bid.

1.04 Director - The Director of the Department of Administrative Services of Yamhill County or the director's designee for purposes of general personal property; the Director of Public Works or the director's designee for motor vehicles; the Yamhill County Sheriff or the sheriff's designee for property in the custody of the sheriff.

1.05 Negotiated Sale - The sale of property to an individual, business or other organization without competitive bid, provided that such method of sale is in the best interests of the county and without favoritism.

1.06 Public Auction - A sale of surplus property to which the public is invited to submit either written or oral bids for the surplus property.

1.07 Sealed Bid - 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.

1.08 Surplus Property - 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 collecting, appraising and securing surplus property of the county. In so doing, the Director may make such arrangements as determined appropriate for the storage, repair or recondition of the surplus property. The director shall also be responsible for the sale or other disposal of the surplus 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 - Prior to the sale or other disposition of surplus property, the director shall have the property appraised by a 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, provided that the value of the property can reasonably be anticipated to exceed \$1000. The appraisal shall set forth fair market value of a particular piece of property, given its condition, usefulness and other factors as that may be appropriate. Where both wholesale and retail values exist 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 - Upon such terms as the Board may direct, or upon the director's discretion, surplus property of the county may be sold or conveyed 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 the property is to be utilized for public purpose, without competitive bid, and with or without compensation. The restriction that the property be utilized for a public purpose applies to disposal of surplus property, pursuant to this section, regardless of identity of the recipient of the property.

3.02 Property With an Estimated Value Under \$1000 - Upon terms deemed appropriate by the director, the director may sell or convey to a private party any surplus property valued at less than \$1000, upon approval by the Board.

3.03 Property With an Appraised Value of \$1000 or More - Property with an estimated value of \$1000 or more may be sold by the director to private parties as follows:

(a) Property which is customarily sold on a recognized market 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 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), 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 public notice of the sale at least once in an appropriate newspaper. The notice shall appear not more than 15 days and not less than 7 days before the sale. The notice shall include descriptions of the items to be sold, a time and place for viewing the items, and the time and place for the scheduled sale or receipt of bids. At the director's discretion, a minimum bid may be applied to any item to be sold. Nothing in this section prevents the director

from publishing other notices as may be deemed appropriate.

3.04 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.

3.05 Expedited Sale - The Board may approve any sale of surplus property without compliance with Sections 3.01 to 3.04 upon the Board's finding that the sale meets all of the following criteria:

(a) The steps taken by the director in securing a purchaser were reasonable;

(b) Further efforts 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 determined 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 will be in the best interest of the citizens of Yamhill County.

SECTION 4. LIST OF PROPERTY

4.01 List of Surplus Property - During the second quarter of the fiscal year the director shall 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 the property where applicable, and the manner used to determine the value. Where such property may be of interest to other public jurisdictions, the director may send the surplus property list to various county departments, cities, school districts and special districts located within Yamhill County. To the extent consistent with sound financial practices, a public entity shall be accorded preference in the purchase of surplus property. The actual date of sale shall be set to insure that a sufficient amount of property is available for sale to attract public interest. Where possible, such sale shall be held in cooperation with the sales of other public agencies.

4.02 Interagency Cooperation - The publication and notice requirements of this ordinance may be waived if the county is offered the opportunity to jointly participate with another public agency in an auction, provided however that the sponsoring agency has provided reasonable notice of sale.

4.03 Trade-In - At the discretion of the director, surplus property may be used as a trade to acquire new property for the county. The property traded shall be from the same fund or department as the new property will be. Where property is traded between funds, appropriate compensation shall be made.

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. Ordinance 380 is hereby repealed.

SECTION 7. EFFECTIVE DATE

7.01. This ordinance being necessary for the health, safety and welfare of the citizens of Yamhill County and an emergency having been declared to exist, shall be effective upon passage.

DONE this 10th day of January, 1990 at McMinnville, Oregon.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

~~CHARLES STERN~~
County Clerk

David E. Bishop
Chairman DAVID E. BISHOP

By: *Elaine Pearcey*
Deputy ELAINE PEARCEY

Dennis L. Goecks
Commissioner DENNIS L. GOECKS

FORM APPROVED BY
John M. Gray, Jr.
JOHN M. GRAY, JR.
Yamhill County Counsel

Ted Lopuszynski
Commissioner TED LOPUSZYNSKI