

## RESOLUTION 19-1

### A RESOLUTION AUTHORIZING THE SALE OF PERSONAL PROPERTY BY INTERNET AUCTION

WHEREAS, the City has personal property which is not needed for public use, or is obsolete or unfit for the use for which it was acquired, and

WHEREAS, Section 721.15 of the Ohio Revised Code authorizes the City to dispose of such property by internet auction, and

WHEREAS, this Council has determined that surplus property, including motor vehicles acquired for the use of municipal officers and departments, and road machinery, equipment, tools or supplies which are not needed for public use, or are obsolete or unfit for the use for which they were acquired, are appropriate to be sold by internet auction, and

WHEREAS, this Council hereby declares its intent to sell such property through internet auction.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Port Clinton, County of Ottawa and State of Ohio:

**Section 1.** The Director of Safety and Service is hereby authorized and directed to sell by internet auction surplus personal property, including motor vehicles, road machinery, equipment, tools or supplies which are not needed for public use, or are obsolete or unfit for the use for which it was acquired.

**Section 2.** The auctions shall be conducted on a continuous basis through accessing the City of Port Clinton surplus property through the City website, located at <http://www.PortClinton.com/>, and the surplus items shall be posted for 15 days, including Saturdays, Sundays and legal holidays.

**Section 3.** The Director of Safety and Service is authorized and directed to enter into an agreement with GovDeals, Inc., a Delaware corporation, 5913 Carmichael Place, Montgomery, Alabama 36117, telephone (615) 846-1150, for the provision of internet services to display the surplus items and provide related services for the City to conduct the internet auctions.

**Section 4.** All surplus property to be auctioned shall be offered for sale "AS-IS, WHERE IS", and the City shall make no warranty, guarantee or representation, express or implied, as to the merchantability or fitness for any purpose of the property offered for sale. No Buyer of property shall be entitled to any payment for loss of profit or any other money damages, special, direct, indirect or consequential. All sales of property shall be final upon removal of the property by Buyer. The City shall reserve the right to reject any and all bids and to withdraw from sale any property it may choose.

**Section 5.** The Director of Safety and Service may establish by rule such other terms and

conditions of sale as he may determine appropriate and necessary, as long as they are not in conflict with any other provision of this Resolution.

**Section 6.** The City shall post notice, which shall include a summary of the information provided in this Resolution, on a continuous basis, in a conspicuous place in the offices of the City Auditor and the legislative authority of the City, and it shall post a continuous notice throughout the calendar year on the City website giving notice of the internet auction of surplus property.

The Clerk of Council shall also publish in a newspaper of general circulation in the City or as provided in Section 7.16 of the Revised Code, a notice summarizing the information provided in this Resolution, which notice shall be published twice, with the second notice being published not less than ten nor more than twenty days after the first notice.

**Section 7.** The Director of Safety and Service, as the representative of the City, may establish a minimum price that will be accepted for specific items and may establish any other terms and conditions for the particular sale, including requirements for pick-up or delivery, method of payment, and sales tax. This type of information, when established, shall be provided on the internet at the time of auction, and may be provided before that time upon request, after the terms and conditions have been determined by the Director of Safety and Service.

**Section 8.** This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Resolution were taken in an open meeting of this Council or committees, and that all deliberations of this Council, and any of its committees, that resulted in those actions were in meetings open to the public, in compliance with the law.

**Section 9.** This Resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2019

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Approved \_\_\_\_\_,  
2019

\_\_\_\_\_  
Mayor