

ORDINANCE

RE: DISPOSITION OF EXCESS, OBSOLETE OR UNUSABLE COUNTY PERSONAL PROPERTY

WHEREAS, the County Board is responsible for the care and custody of personal property of the County pursuant to 55 ILCS 5/5-1015; and

WHEREAS, the County from time to time has excess, obsolete or unusable personal property of relatively small value which can and should be disposed of in an efficient manner which will ensure the County obtains fair value, if any, of such excess, obsolete or unusable personal property; and

WHEREAS, the current Ordinance is in need of amendment to update certain sections;

NOW, THEREFORE, BE IT ORDAINED by the County Board of Vermilion County, that Section 2-6 of the Vermilion County Code, is hereby amended as outlined in words below;

Sec. 2-6. Sale of excess, obsolete or unusable County personal property.

- (a) Scope and purpose. This Section shall apply to disposition of all excess, obsolete or unusable County personal property. It is the policy of the County of Vermilion to dispose of any excess, obsolete or unusable personal property by sale for fair market value whenever economically feasible. All sales of excess, obsolete or unusable County personal property shall be based upon competitive bids, except as provided in this Section.
- (b) Definitions:
1. *Personal property* shall have the meaning stated in Section 1-2 of this Code.
 2. *County personal property* means personal property which, by law, is owned by or in the care and custody of the County Board.
 3. *Surplus property* is excess, obsolete or unusable County personal property declared to be surplus by the Property Committee.
 4. Surplus property has *economic value* when it may be used or reused for any purpose, other than recycling. Property which is reasonably determined to have no potential use or reuse, and which cannot be economically recycled, shall be considered waste, and is not subject to the requirements of this Section.
 5. A sale of surplus property is *economically feasible* when an item or group of items can be sold for more than the cost of sale.
 6. *Sale by competitive bid* means a sale by sealed bid or at public auction.
 7. *Recycling* shall have the meaning prescribed in the Illinois Environmental Protection Act, 415 ILCS 5/3.30.

8. *Unit of local government* shall have the meaning prescribed in Article VII, Section 1 of the Illinois Constitution of 1970, and for the purposes of this Section shall include school districts.

(c) Declaration of Surplus. Elected or appointed officials who have excess, obsolete or unusable County personal property in their office or department shall notify the Property Committee and request the Committee to declare it surplus. If the property is declared *surplus* and has economic value, as determined and valued by the Maintenance Director and Committee Chair, the property shall be disposed of in accordance with this Ordinance. Otherwise, the property shall be recycled if economically feasible or if not economically feasible, shall be considered waste and delivered for proper disposal and reported by the Maintenance Director and Committee Chair to the Property Committee at its next meeting.

(d) Reuse by County offices or departments. Before offering to transfer or sell surplus property, the Property Committee shall notify County elected and appointed officials. Surplus property which can be reused shall be transferred to County offices or departments upon request. In the event that there is no immediate response from County elected or appointed officials, and in the event that such property may be usable by the County in the future, the Property Committee can commit the property to storage and inventory.

(e) Transfer of Surplus Property to Unit of Local Government ~~or Not for Profit Organization~~. When surplus property cannot be reused by any County office or department, and a sale is not economically feasible, the Property Committee may recommend that the property be transferred to a unit of local government ~~or not for profit organization~~ in lieu of sale. The Property Committee must authorize any transfer of surplus property pursuant to this subsection. In determining whether a sale is economically feasible, the Property Committee shall consider the probable sale price and the costs, if any, of preparing, storing, advertising and auctioning the property.

~~(f) Private Sale of Surplus Property to Units of Local Government and Not for Profit Organizations. Prior to offering surplus property for sale to the public by competitive bid, the Property Committee may recommend a private sale of the property to a unit of local government or not for profit organization, if it finds that the unit of local government or not for profit organizations has offered to pay the approximate fair market value of the property. Sale of surplus property pursuant to this subsection must be authorized by the Property Committee.~~

(g) Procedures for sale of Surplus Property by Competitive Bid. The Property Committee shall determine whether a sale of surplus property shall be by sealed bid or public auction. The Property Committee shall provide public notice of the sale as provided below:

1. Notice of Sale – surplus property valued at over \$1,000.00. When surplus property estimated by the Maintenance Director and Committee Chair to have a total value in excess of \$1,000.00 is to be sold, the Property Committee shall cause notice of the sale to be printed in a newspaper of county-wide circulation. Printed notice may consist of an advertisement in the classified section of the newspaper *directing the public to a website listing surplus property*. The advertisement shall be printed on at least ~~three~~ *two* (2) separate days, the last of which shall be not ~~less than one~~ *(1)* day

not more than ten (10) days prior to the sale. Notice of the sale shall be posted at the County Board Office *and the County web site*, and the sale shall be announced at the County Board meeting preceding the sale *where feasible and timing allows*. The Property Committee may require additional notice of sale when appropriate. As an alternative, the Property Committee may direct that the surplus property notice of sale be posted on the County's website and at the County Board Office. Such postings shall include photos of the property, when appropriate, and the postings will be made for *at least seven (7) ~~twenty (20)~~* consecutive days.

2. Notice of Sale – surplus property valued at less than \$1,000.00. When surplus property valued by the Maintenance Director and Committee Chair to have a total value of less than \$1,000.00 is to be sold, the Committee shall cause notice of the sale *by sealed bid* to be posted at the County Board Office, and the sale shall be posted on the County web site ~~announced to the County Board office preceding the sale~~. The Property Committee may require additional notice when appropriate. For surplus property valued by the Maintenance Director and Committee Chair at less than \$500.00 value, the Director and Chair are hereby empowered to dispose/sell such property and report the results to the Property Committee at its next regular meeting.
3. Sales by Sealed Bid. Notice of sale by sealed bid shall specify the form of the bid, and the date and time by which bids must be submitted. Sealed bids shall be opened at a regular meeting of the Property Committee *for property valued in excess of five thousand dollars (\$5,000), and the Committee shall vote immediately after the opening of bids to accept the high bid or reject all bids. For property valued at less than \$5,000.00 bids may be publically opened at the County Board Office at a time announced in the bid advertisement and a report of such bids made to the Property Committee and such report shall also be posted to the County web site for a period of seven days after such bids are opened.* Payment must be made within three (3) County business days after acceptance of a bid.
4. Auction Sales. Notice of auction sales shall specify the time and place of the auction and whether the sale is with or without reserve. Auctions may be conducted by the Chairman of the Property Committee or a Committee appointed by the Chairman or an auctioneer hired for that purpose. The Property Committee may secure the services of an auctioneer, to be compensated solely from the proceeds of the auction, if the Committee determines it would be in the best interest of the County to do so. Surplus property sold at auction for \$1000.00 or less must be paid for on the day of sale. Surplus property sold for more than \$1000.00 must be paid for in full within three (3) County business days after the sale, and a minimum deposit of ten percent (10%) of the purchase price or \$100.00, whichever is greater, must be deposited on the day of sale: if the sale is not completed by payment of the full purchase price within three (3) County business days after the sale, the minimum deposit shall be retained by the County as liquidated damages and not as penalty. If a successful bidder cannot pay the purchase price or the required minimum deposit on the day of the sale, their bid shall be void and of no effect, and the Property Committee may re-auction the property, accept the next highest bid, or reject all bids, as may be in the best interest of the County.

5. Terms and conditions of sale. Sales of all County surplus property are final. County surplus property shall be sold "as is" and no warranties, expressed or implied, shall attach to any County surplus property. Payments and deposits for County surplus property shall be by cash, certified check or money order. No person may take possession of County surplus property until the full amount of the sale price has been paid. *All costs of pick up and transportation of surplus property sold under this ordinance is the responsibility of the bidder and the County has no responsibility to provide for transportation or shipping of any item.*
- (h) Deposit of Sale Proceeds. Sales proceeds from County surplus property shall be deposited in the General Fund of the County, unless otherwise provided by the County Board *where the value of such surplus property is in excess of \$5,000.00. Where such surplus property is valued under \$5,000.00 then funds will be deposited at the direction of the Property Committee and County Board Chairman.* The Property Committee shall notify the County Auditor of the disposal, transfer, or sale of surplus property so that the inventory of County property may be accurately kept.
- (i) Limitation on Purchase by County Officials and Employees. No member of the County Board shall be eligible to purchase, directly or indirectly, any surplus County property. No elected or appointed County official shall be eligible to purchase, directly or indirectly, any surplus property which was excess, obsolete or unusable property of their office or department. No County official or employee *who is a member of the Department or Office which has declared such property surplus with any responsibility, direct or indirect, for handling bids, or disposition of surplus County property* shall be eligible to purchase *such* surplus County property. Any purchase by an ineligible person shall make the sale void and the property shall either be re-sold as provided for in this ordinance, or accept the next highest bid, or reject all bids, as may be in the best interest of the County. Ineligible persons who purchase surplus County property in violation of this Section shall be subject to a fine not to exceed \$500.00 if the surplus property is not returned to the County in the same condition as sold within (24) twenty-four hours.
- (j) Delegation of Authority to Property Committee. The County Board hereby delegates authority to the Property Committee to act on behalf of the County Board with respect to surplus property in the manner set forth in this Section, except with respect to those matters in which County Board approval is specifically required.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon its passage.

PRESENTED, APPROVED AND ORDAINED by the County Board of Vermilion County, Illinois at its _____, 2017 session.

DATED this _____ day of _____, 2017.

AYE _____

NAY _____

ABSENT _____

ATTEST:

Chairman, Vermilion County Board

Clerk of the County Board

Approved as to form: State's Attorney

Approved by the Property Committee
February 21, 2017

Wes Bieritz (Y) N A
Committee Chairperson

Chad Turner (Y) N A

Adam Hart (Y) N A

Frank Hoskins (Y) N A

Darren Duncan (Y) N A

Mitch Weaver (Y) N A

John Criswell (Y) N A