

VILLAGE COUNCIL OF WAKEMAN, OHIO
RESOLUTION NO.: 2022-R-2

A RESOLUTION OF INTENT TO SELL MUNICIPALLY OWNED PERSONAL PROPERTY NOT NEEDED FOR PUBLIC USE, OR IS OBSOLETE OR UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED, BY INTERNET AUCTION DURING CALENDAR YEAR 2022 PURSUANT TO SECTION 721.15(D) OF THE OHIO REVISED CODE

WHEREAS, Section 721.01 of the Ohio Revised Code provides in part that, municipal corporations have special power to sell personal property belonging to the municipal corporation, when such personal property is not needed for any municipal purpose; and

WHEREAS, Section 721.15(D) of the Ohio Revised Code provides that, regardless of the property's value, the legislative authority of a municipal corporation may sell personal property, including motor vehicles acquired for the use of municipal officers and departments, and road machinery, equipment, tools, or supplies, which is not needed for public use, or is obsolete or unfit for the use for which it was acquired, by internet auction; and

WHEREAS, Section 721.15(D) of the Ohio Revised Code provides that the legislative authority shall adopt, during each calendar year, a resolution expressing its intent to sell that property by internet auction; and

WHEREAS, GovDeals.com, a liquidity services marketplace, provides services exclusively to various government agencies that allows them to sell surplus items via the internet; and

WHEREAS, the Fiscal Officer has reviewed GovDeals.com online sales procedures, terms and conditions and after due diligence submits that it fits the needs of the Village of Wakeman.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF WAKEMAN, STATE OF OHIO: (RC 731.18)

SECTION 1. That the Council of the Village of Wakeman, Ohio hereby expresses its intent to sell personal property, regardless of its value, including motor vehicles, acquired for the use of municipal officers and departments, and road machinery, equipment, tools, or supplies, which is not needed for public use, or is obsolete or unfit for the use for which it was acquired, by internet auction during calendar year 2022.

SECTION 2. That any internet auction shall be conducted under the authority and direction of the Mayor or Fiscal Officer of the Village of Wakeman, Ohio.

SECTION 3. That any such internet auction sales shall be conducted by GovDeals.com internet auction service of Montgomery, Alabama 36117, phone (800) 613-0156.

SECTION 4. That any internet auction shall be conducted pursuant to the rules and regulations in effect for GovDeals.com.

SECTION 5. That pursuant to Section 721.15(D), paragraph 1 of the Ohio Revised Code, bidding on any property, shall remain open no less than ten days, including Saturdays, Sundays, and legal holidays.

SECTION 6. That pursuant to Section 721.15(D), paragraph 2 of the Ohio Revised Code, Village Council hereby directs the Council Clerk to post notice of its intent to sell unneeded, obsolete, or unfit municipal personal property by internet auction. The notice shall include a summary of the information provided in the resolution and shall be posted twice. The second notice shall be posted not less than ten nor more than twenty days after the previous notice. A similar notice also shall be posted continually throughout the calendar year in a conspicuous place in the offices of the village clerk or city auditor, and the legislative authority. If the municipal corporation maintains a web site on the internet, the notice shall be posted continually throughout the calendar year at that web site.

SECTION 7. That pursuant to Section 721.15(D), paragraph 3 of the Ohio Revised Code, when property is to be sold by internet auction, Council may by motion, establish a minimum price that will be accepted for specific items and may establish other terms and conditions for the particular sale, including, but not limited to, requirements for pick-up or delivery, method of payment and sales tax. This type of information 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 Council.

SECTION 8. PUBLIC MEETING. That it is found and determined that all formal action of this public body concerning or relating to the passage of this Resolution/Ordinance were adopted in a public meeting open to the public at all times, and that all deliberations of the public body and any of its committees that resulted in such formal action, were in public meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of section 121.22 of the Ohio Revised Code.

WHEREFORE, this Ordinance/Resolution shall take effect at the earliest period allowed by law.


PASSED AND ADOPTED on this 14 day of March, 2022.

AUTHENTICATION and ATTESTATION

(RC 731.20)

We hereby attest and affirm that the foregoing Ordinance/Resolution received the necessary affirmative roll call votes required for passage by R.C. 731.17.


MAYOR


FISCAL OFFICER

Vote on the passage was taken by yeas and nays and entered upon the journal as follows R.C. 731.17(A)(3):

YEAS: 5 NAYS: 0 ABSTAIN: 0

First Reading: January 10, 2022

Second Reading: February 14, 2022 (may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2))

Third Reading: March 14, 2022 (may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2))

APPROVED AS TO FORM:

SP (JLA)

VILLAGE SOLICITOR, Steve Palmer, Esq.

CERTIFICATE OF POSTING

(RC 731.21, 731.24, and 731.25)

In a municipal corporation in which no newspaper is generally circulated, I hereby certify pursuant to R.C. 731.21, 24 and .25, that a summary of the above legislation was posted in not less than five of the most public places in the municipal corporation as determined by the legislative authority [see Wakeman Code 123.01] for a period of not less than fifteen days prior to the effective date at the following locations:

1) Wakeman Public Library, 18 East Abbott Street; and 2) Electronically online at official Village website.; and 3) Wakeman Post Office, 17 West Main St.; and 4) Village of Wakeman Municipal Building, 59 Hyde Street; and 5) Mickey Mart, 52 West Main Street.


FISCAL OFFICER