

AN ACT

To amend sections 307.12, 505.10, and 721.15 of the Revised Code to authorize counties, townships, and statutory municipal corporations to dispose of unneeded, obsolete, or unfit personal property by Internet auction and, if that property has no value, to discard or salvage it.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 307.12, 505.10, and 721.15 of the Revised Code be amended to read as follows:

Sec. 307.12. (A) Except as otherwise provided in ~~division~~ divisions (B), (C), and (E) of this section, when the board of county commissioners finds, by resolution, that the county has personal property, including motor vehicles acquired for the use of county officers and departments, and road machinery, equipment, tools, or supplies, which is not needed for public use, or is obsolete or unfit for the use for which it was acquired, and when the fair market value of the property to be sold under this division is, in the opinion of the board, in excess of two thousand five hundred dollars, the board may do either of the following:

(1) Sell ~~such~~ the property at public auction or by sealed bid to the highest bidder. Notice of the time, place, and manner of the sale shall ~~also~~ be published in a newspaper of general circulation in the county at least ten days prior to the sale, and a typewritten or printed notice of the time, place, and manner of the sale shall be posted at least ten days before the sale in the offices of the county auditor and the board of county commissioners.

If a board conducts a sale of ~~personal~~ property by sealed bid, the form of the bid shall be as prescribed by the board, and each bid shall contain the name of the person submitting it. Bids received shall be opened and tabulated at the time stated in the notice. The property shall be sold to the highest bidder, except that the board may reject all bids and hold another sale, by public auction or sealed bid, in the manner prescribed by this section.

(2) Donate any motor vehicle that does not exceed four thousand five hundred dollars in value to a nonprofit organization exempt from federal

income taxation pursuant to 26 U.S.C. 501(a) and (c)(3) for the purpose of meeting the transportation needs of participants in the Ohio works first program established under Chapter 5107. of the Revised Code and participants in the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code.

(B) When the board of county commissioners finds, by resolution, that the county has personal property, including motor vehicles acquired for the use of county 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, and when the fair market value of the property to be sold under this division is, in the opinion of the board, two thousand five hundred dollars or less, the board may sell the property by private sale, without advertisement or public notification.

Notwithstanding anything to the contrary in division (A) or (C) of this section and regardless of the property's value, the board may sell or donate county personal property, including motor vehicles, ~~of the county~~ to the federal government, the state, or any political subdivision of the state without advertisement or public notification.

(C) Notwithstanding anything to the contrary in division (A), (B), or (E) of this section and regardless of the property's value, the board of county commissioners may sell personal property, including motor vehicles acquired for the use of county 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. The board shall adopt, during each calendar year, a resolution expressing its intent to sell that property by internet auction. The resolution shall include a description of how the auctions will be conducted and shall specify the number of days for bidding on the property, which shall be no less than fifteen days, including Saturdays, Sundays, and legal holidays. The resolution shall indicate whether the county will conduct the auction or the board will contract with a representative to conduct the auction and shall establish the general terms and conditions of sale. If a representative is known when the resolution is adopted, the resolution shall provide contact information such as the representative's name, address, and telephone number.

After adoption of the resolution, the board shall publish, in a newspaper of general circulation in the county, notice of its intent to sell unneeded, obsolete, or unfit county personal property by internet auction. The notice shall include a summary of the information provided in the resolution and shall be published at least twice. The second and any subsequent notice shall

be published 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 county auditor and the board of county commissioners, and, if the county maintains a website on the internet, the notice shall be posted continually throughout the calendar year at that website.

When property is to be sold by internet auction, the board or its representative 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 shall be provided on the internet at the time of the auction and may be provided before that time upon request after the terms and conditions have been determined by the board or its representative.

(D) When a county officer or department head determines that county-owned personal property under the jurisdiction of the officer or department head, including motor vehicles, road machinery, equipment, tools, or supplies, is not of immediate need, the county officer or department head may notify the board of county commissioners, and the board may lease ~~such that~~ personal property to any municipal corporation, township, or other political subdivision of the state. ~~Such~~ The lease shall require the county to be reimbursed under terms, conditions, and fees established by the board ~~of county commissioners~~, or under contracts executed by the board.

~~(D) Where~~ (E) If the board of county commissioners finds, by resolution, that the county has vehicles, equipment, or machinery which is not needed, or is unfit for public use, and the board desires to sell ~~such the~~ vehicles, equipment, or machinery to the person or firm from which it proposes to purchase other vehicles, equipment, or machinery, the board may offer to sell the vehicles, equipment, or machinery to ~~such that~~ person or firm, and to have ~~such the~~ selling price credited to the person or firm against the purchase price of other vehicles, equipment, or machinery.

~~(E) Where~~ (F) If the board of county commissioners advertises for bids for the sale of new vehicles, equipment, or machinery to the county, it may include in the same advertisement a notice of the willingness of ~~such the~~ board to accept bids for the purchase of county-owned vehicles, equipment, or machinery which is obsolete or not needed for public use, and to have the amount of ~~such those~~ bids subtracted from the selling price of the other vehicles, equipment, or machinery as a means of determining the lowest responsible bidder.

(G) If a board of county commissioners determines that county personal

property is not needed for public use, or is obsolete or unfit for the use for which it was acquired, and that the property has no value, the board may discard or salvage that property.

(H) As used in this section, "internet" means the international computer network of both federal and nonfederal interoperable packet switched data networks, including the graphical subnetwork called the world wide web.

Sec. 505.10. The board of township trustees may accept, on behalf of the township, the donation by bequest, devise, deed of gift, or otherwise, of any ~~property~~, real or personal; property for any township use. When the township has property, including motor vehicles, road machinery, equipment, and tools, which the board, by resolution, finds it does not need for public use, are obsolete, or are unfit for the use for which they were acquired, the board may sell and convey ~~such~~ that property or otherwise dispose of it in accordance with this section. Except as otherwise provided ~~in division (A) or (B) of this section and in sections 505.08 and 505.101 of the Revised Code, the sale must or other disposition of unneeded, obsolete, or unfit property shall be by public auction and upon notice thereof being given as follows~~ made in accordance with one of the following:

(A)(1) If the fair market value of ~~the~~ property to be sold is, in the opinion of the board, in excess of two thousand five hundred dollars, the board shall publish notice of the time, place, and manner of the sale once a week for three weeks in a newspaper published, or of general circulation, in the township, the last of ~~such~~ those publications to be at least five days before the date of sale, and shall post a typewritten or printed notice of the time, place, and manner of the sale in the office of the board for at least ten days prior to the sale. ~~If~~

(2) ~~If~~ the fair market value of ~~the~~ property to be sold is, in the opinion of the board, two thousand five hundred dollars or less, the board may sell the property by private sale, without advertisement or public notification.

~~Where~~ (3) ~~If~~ the board finds, by resolution, that the township has motor vehicles, road machinery, equipment, or tools which are not needed, or ~~which~~ are unfit for public use, and the board wishes to sell ~~such~~ the motor vehicles, road machinery, equipment, or tools to the person or firm from which it proposes to purchase other motor vehicles, road machinery, equipment, or tools, the board may offer to sell the motor vehicles, road machinery, equipment, or tools to ~~such~~ that person or firm, and to have ~~such~~ the selling price credited to the person or firm against the purchase price of other motor vehicles, road machinery, equipment, or tools.

~~Where~~ (4) ~~If~~ the board advertises for bids for the sale of new motor vehicles, road machinery, equipment, or tools to the township, it may

include in the same advertisement a notice of the willingness of the board to accept bids for the purchase of township-owned motor vehicles, road machinery, equipment, or tools; which are obsolete or not needed for public use, and to have the amount of ~~such~~ those bids subtracted from the selling price of the new motor vehicles, road machinery, equipment, or tools, as a means of determining the lowest responsible bidder.

(5) When a township has title to real property, the board of ~~such~~ township ~~may~~ trustees, by resolution, may authorize the transfer and conveyance of ~~such~~ that property to any other political subdivision of the state upon such terms as are agreed to between ~~such~~ the board and the legislative authority of ~~such~~ that political subdivision.

(6) If the board of township trustees determines that township personal property is not needed for public use, or is obsolete or unfit for the use for which it was acquired, and that the property has no value, the board may discard or salvage that property.

(B) When the board has offered property at public auction under this section and has not received an acceptable offer, the board, by resolution, may enter into a contract, without advertising or bidding, for the sale of that property. The resolution shall specify a minimum acceptable price and the minimum acceptable terms for the contract. The minimum acceptable price shall not be lower than the minimum price established for the public auction.

(C) Notwithstanding anything to the contrary in division (A) or (B) of this section and regardless of the property's value, the board of township trustees may sell personal property, including motor vehicles, 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. The board shall adopt, during each calendar year, a resolution expressing its intent to sell that property by internet auction. The resolution shall include a description of how the auctions will be conducted and shall specify the number of days for bidding on the property, which shall be no less than fifteen days, including Saturdays, Sundays, and legal holidays. The resolution shall indicate whether the township will conduct the auction or the board will contract with a representative to conduct the auction and shall establish the general terms and conditions of sale. If a representative is known when the resolution is adopted, the resolution shall provide contact information such as the representative's name, address, and telephone number.

After adoption of the resolution, the board shall publish, in a newspaper of general circulation in the township, notice of its intent to sell unneeded, obsolete, or unfit township personal property by internet auction. The notice

shall include a summary of the information provided in the resolution and shall be published at least twice. The second and any subsequent notice shall be published not less than ten nor more than twenty days after the previous notice. A clerk also shall post a similar notice throughout the calendar year in a conspicuous place in the board's office and, if the township maintains a website on the internet, the notice shall be posted continually throughout the calendar year at that website.

When property is to be sold by internet auction, the board or its representative 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 shall be provided on the internet at the time of the auction and may be provided before that time upon request after the terms and conditions have been determined by the board or its representative.

As used in this section, "internet" means the international computer network of both federal and nonfederal interoperable packet switched data networks, including the graphical subnetwork called the world wide web.

Sec. 721.15. (A) Personal property not needed for municipal purposes, the estimated value of which is less than one thousand dollars, may be sold by the board or officer having supervision or management ~~thereof~~ of that property. If the estimated value of ~~such that~~ such property ~~exceeds~~ is one thousand dollars or more, it shall be sold only when authorized by an ordinance of the legislative authority of the municipal corporation and approved by the board, officer, or director having supervision or management of ~~such personal~~ that property. When so authorized ~~such, the~~ board, officer, or director shall make a written contract with the highest and best bidder after advertisement for not less than two ~~nor~~ or more than four consecutive weeks in a newspaper of general circulation within the municipal corporation, or with a board of county commissioners upon such lawful terms as are agreed upon, as provided by section 721.27 of the Revised Code.

(B) When the legislative authority finds, by resolution, that the municipal corporation has vehicles, equipment, or machinery which is obsolete, or is not needed or is unfit for public use, and further finds that the municipal corporation has need of other vehicles, equipment, or machinery of the same type, and ~~further finds~~ that it will be ~~to~~ in the best interest of the municipal corporation that ~~such the~~ the sale of obsolete, unneeded, or unfit vehicles, equipment, or machinery be made simultaneously with the

purchase of the new vehicles, equipment, or machinery of the same type, ~~said the~~ legislative authority may offer to sell, or authorize a board, officer, or director of ~~said the~~ municipal corporation having supervision or management of ~~said the~~ property to offer to sell, ~~said those~~ vehicles, equipment, or machinery and to have the selling price ~~for the same~~ credited against the purchase price of other vehicles, equipment, or machinery and to consummate ~~such the~~ sale and purchase by a single contract with the lowest and best bidder to be determined by subtracting from the selling price of the vehicles, equipment, or machinery to be purchased by ~~said the~~ municipal corporation the purchase price offered for ~~said the~~ municipally-owned vehicles, equipment, or machinery. When the legislative authority or the authorized board, officer, or director of a municipal corporation advertises for bids for the sale of new vehicles, equipment, or machinery to the municipal corporation, they may include in the same advertisement a notice of willingness to accept bids for the purchase of municipally-owned vehicles, equipment, or machinery which is obsolete, ~~unfit~~, or is not needed or is unfit for public use, and to have the amount of ~~such those~~ bids subtracted from the selling price as a means of determining the lowest and best bidder.

(C) If the legislative authority of the municipal corporation determines that municipal personal property is not needed for public use, or is obsolete or unfit for the use for which it was acquired, and that the property has no value, the legislative authority may discard or salvage that property.

(D) Notwithstanding anything to the contrary in division (A) or (B) of this section and 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. The legislative authority shall adopt, during each calendar year, a resolution expressing its intent to sell that property by internet auction. The resolution shall include a description of how the auctions will be conducted and shall specify the number of days for bidding on the property, which shall be no less than fifteen days, including Saturdays, Sundays, and legal holidays. The resolution shall indicate whether the municipal corporation will conduct the auction or the legislative authority will contract with a representative to conduct the auction and shall establish the general terms and conditions of sale. If a representative is known when the resolution is adopted, the resolution shall provide contact information such as the representative's name, address, and telephone number.

After adoption of the resolution, the legislative authority shall publish, in a newspaper of general circulation in the municipal corporation, 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 published at least twice. The second and any subsequent notice shall be published 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, and, if the municipal corporation maintains a website on the internet, the notice shall be posted continually throughout the calendar year at that website.

When the property is to be sold by internet auction, the legislative authority or its representative 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 shall be provided on the internet at the time of the auction and may be provided before that time upon request after the terms and conditions have been determined by the legislative authority or its representative.

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SECTION 2. That existing sections 307.12, 505.10, and 721.15 of the Revised Code are hereby repealed.

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____