

As Passed by the House

124th General Assembly

Regular Session

2001-2002

Am. Sub. H. B. No. 226

REPRESENTATIVES Collier, Peterson, Fessler, Hartnett, Calvert, Setzer, Seaver, D. Miller, Reidelbach, Seitz, Metzger, Goodman, Wolpert, Niehaus, Distel, Sullivan, Schaffer, Gilb, White, Latta, Flowers, Hughes, Carmichael, Carano, Perry, Jones, Reinhard, Young, Fedor, Krupinski, Widowfield, Lendrum, Roman, Schmidt, Coates, Sferra, Salerno, DeWine, Grendell, Damschroder, Raga, Core, Evans, Hagan, Aslanides, Carey, Willamowski, Hollister, Buehrer, Faber, Metelsky, Ford, Sulzer, Schneider, Webster, Patton

A B I L L

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 15
the fair market value of the property to be sold under this 16
division is, in the opinion of the board, in excess of two 17
thousand five hundred dollars, the board may do either of the 18
following: 19

(1) Sell ~~such~~ the property at public auction or by sealed bid 20
to the highest bidder. Notice of the time, place, and manner of 21
the sale shall ~~also~~ be published in a newspaper of general 22
circulation in the county at least ten days prior to the sale, and 23
a typewritten or printed notice of the time, place, and manner of 24
the sale shall be posted at least ten days before the sale in the 25
offices of the county auditor and the board of county 26
commissioners. 27

If a board conducts a sale of ~~personal~~ property by sealed 28
bid, the form of the bid shall be as prescribed by the board, and 29
each bid shall contain the name of the person submitting it. Bids 30
received shall be opened and tabulated at the time stated in the 31
notice. The property shall be sold to the highest bidder, except 32
that the board may reject all bids and hold another sale, by 33
public auction or sealed bid, in the manner prescribed by this 34
section. 35

(2) Donate any motor vehicle that does not exceed four 36
thousand five hundred dollars in value to a nonprofit organization 37
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 38
and (c)(3) for the purpose of meeting the transportation needs of 39
participants in the Ohio works first program established under 40
Chapter 5107. of the Revised Code and participants in the 41
prevention, retention, and contingency program established under 42
Chapter 5108. of the Revised Code. 43

(B) When the board of county commissioners finds, by 44
resolution, that the county has personal property, including motor 45
vehicles acquired for the use of county officers and departments, 46

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.

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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.

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(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.

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After adoption of the resolution, the board shall publish, in 79
a newspaper of general circulation in the county, notice of its 80
intent to sell unneeded, obsolete, or unfit county personal 81
property by internet auction. The notice shall include a summary 82
of the information provided in the resolution and shall be 83
published at least twice. The second and any subsequent notice 84
shall be published not less than ten nor more than twenty days 85
after the previous notice. A similar notice also shall be posted 86
continually throughout the calendar year in a conspicuous place in 87
the offices of the county auditor and the board of county 88
commissioners, and, if the county maintains a website on the 89
internet, the notice shall be posted continually throughout the 90
calendar year at that website. 91

When property is to be sold by internet auction, the board or 92
its representative may establish a minimum price that will be 93
accepted for specific items and may establish any other terms and 94
conditions for the particular sale, including requirements for 95
pick-up or delivery, method of payment, and sales tax. This type 96
of information shall be provided on the internet at the time of 97
the auction and may be provided before that time upon request 98
after the terms and conditions have been determined by the board 99
or its representative. 100

(D) When a county officer or department head determines that 101
county-owned personal property under the jurisdiction of the 102
officer or department head, including motor vehicles, road 103
machinery, equipment, tools, or supplies, is not of immediate 104
need, the county officer or department head may notify the board 105
of county commissioners, and the board may lease ~~such~~ that 106
personal property to any municipal corporation, township, or other 107
political subdivision of the state. ~~Such~~ The lease shall require 108
the county to be reimbursed under terms, conditions, and fees 109
established by the board ~~of county commissioners~~, or under 110

contracts executed by the board. 111

~~(D) Where~~ (E) If the board of county commissioners finds, by 112
resolution, that the county has vehicles, equipment, or machinery 113
which is not needed, or is unfit for public use, and the board 114
desires to sell ~~such~~ the vehicles, equipment, or machinery to the 115
person or firm from which it proposes to purchase other vehicles, 116
equipment, or machinery, the board may offer to sell the vehicles, 117
equipment, or machinery to ~~such~~ that person or firm, and to have 118
~~such~~ the selling price credited to the person or firm against the 119
purchase price of other vehicles, equipment, or machinery. 120

~~(E) Where~~ (F) If the board of county commissioners advertises 122
for bids for the sale of new vehicles, equipment, or machinery to 123
the county, it may include in the same advertisement a notice of 124
the willingness of ~~such~~ the board to accept bids for the purchase 125
of county-owned vehicles, equipment, or machinery which is 126
obsolete or not needed for public use, and to have the amount of 127
~~such~~ those bids subtracted from the selling price of the other 128
vehicles, equipment, or machinery as a means of determining the 129
lowest responsible bidder. 130

(G) If a board of county commissioners determines that county 131
personal property is not needed for public use, or is obsolete or 132
unfit for the use for which it was acquired, and that the property 133
has no value, the board may discard or salvage that property. 134

(H) As used in this section, "internet" means the 136
international computer network of both federal and nonfederal 137
interoperable packet switched data networks, including the 138
graphical subnetwork called the world wide web. 139

Sec. 505.10. The board of township trustees may accept, on 140
behalf of the township, the donation by bequest, devise, deed of 141

gift, or otherwise, of any ~~property~~, real or personal, property 142
for any township use. When the township has property, including 143
motor vehicles, road machinery, equipment, and tools, which the 144
board, by resolution, finds it does not need for public use, are 145
obsolete, or are unfit for the use for which they were acquired, 146
the board may sell and convey such that property or otherwise 147
dispose of it in accordance with this section. Except as otherwise 148
provided in ~~division (A) or (B) of this section and~~ in sections 149
505.08 and 505.101 of the Revised Code, the sale ~~must or other~~ 150
disposition of unneeded, obsolete, or unfit property shall be by 151
~~public auction and upon notice thereof being given as follows~~ made 152
in accordance with one of the following: 153

(A)(1) If the fair market value of ~~the~~ property to be sold 154
is, in the opinion of the board, in excess of two thousand five 155
hundred dollars, the board shall publish notice of the time, 156
place, and manner of the sale once a week for three weeks in a 157
newspaper published, or of general circulation, in the township, 158
the last of ~~such those~~ publications to be at least five days 159
before the date of sale, and shall post a typewritten or printed 160
notice of the time, place, and manner of the sale in the office of 161
the board for at least ten days prior to the sale. ~~ff~~ 162

(2) If the fair market value of ~~the~~ property to be sold is, 163
in the opinion of the board, two thousand five hundred dollars or 164
less, the board may sell the property by private sale, without 165
advertisement or public notification. 166

~~Where~~ (3) If the board finds, by resolution, that the 167
township has motor vehicles, road machinery, equipment, or tools 168
which are not needed, or ~~which~~ are unfit for public use, and the 169
board wishes to sell ~~such the~~ motor vehicles, road machinery, 170
equipment, or tools to the person or firm from which it proposes 171
to purchase other motor vehicles, road machinery, equipment, or 172
tools, the board may offer to sell the motor vehicles, road 173

machinery, equipment, or tools to ~~such that~~ person or firm, and to 174
have ~~such the~~ selling price credited to the person or firm against 175
the purchase price of other motor vehicles, road machinery, 176
equipment, or tools. 177

~~Where~~ (4) If the board advertises for bids for the sale of 178
new motor vehicles, road machinery, equipment, or tools to the 179
township, it may include in the same advertisement a notice of the 180
willingness of the board to accept bids for the purchase of 181
township-owned motor vehicles, road machinery, equipment, or 182
tools, which are obsolete or not needed for public use, and to 183
have the amount of ~~such those~~ bids subtracted from the selling 184
price of the new motor vehicles, road machinery, equipment, or 185
tools, as a means of determining the lowest responsible bidder. 186

(5) When a township has title to real property, the board of 187
~~such~~ township ~~may~~ trustees, by resolution, ~~may~~ authorize the 188
transfer and conveyance of ~~such that~~ property to any other 189
political subdivision of the state upon such terms as are agreed 190
to between ~~such the~~ board and the legislative authority of ~~such~~ 191
~~that~~ political subdivision. 192

(6) If the board of township trustees determines that 193
township personal property is not needed for public use, or is 194
obsolete or unfit for the use for which it was acquired, and that 195
the property has no value, the board may discard or salvage that 196
property. 197

(B) When the board has offered property at public auction 198
under this section and has not received an acceptable offer, the 199
board, by resolution, may enter into a contract, without 200
advertising or bidding, for the sale of that property. The 201
resolution shall specify a minimum acceptable price and the 202
minimum acceptable terms for the contract. The minimum acceptable 203
price shall not be lower than the minimum price established for 204
the public auction. 205

(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.

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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.

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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~~ 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.

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(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

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vehicles, equipment, or machinery of the same type, and ~~further~~ 269
~~finds~~ that it will be ~~to~~ in the best interest of the municipal 270
corporation that ~~such~~ the sale of obsolete, unneeded, or unfit 271
vehicles, equipment, or machinery be made simultaneously with the 272
purchase of the new vehicles, equipment, or machinery of the same 273
type, ~~said~~ the legislative authority may offer to sell, or 274
authorize a board, officer, or director of ~~said~~ the municipal 275
corporation having supervision or management of ~~said~~ the property 276
to offer to sell, ~~said~~ those vehicles, equipment, or machinery and 277
to have the selling price ~~for the same~~ credited against the 278
purchase price of other vehicles, equipment, or machinery and to 279
consummate ~~such~~ the sale and purchase by a single contract with 280
the lowest and best bidder to be determined by subtracting from 281
the selling price of the vehicles, equipment, or machinery to be 282
purchased by ~~said~~ the municipal corporation the purchase price 283
offered for ~~said~~ the municipally-owned vehicles, equipment, or 284
machinery. When the legislative authority or the authorized board, 285
officer, or director of a municipal corporation advertises for 286
bids for the sale of new vehicles, equipment, or machinery to the 287
municipal corporation, they may include in the same advertisement 288
a notice of willingness to accept bids for the purchase of 289
municipally-owned vehicles, equipment, or machinery which is 290
obsolete, ~~unfit~~, or is not needed or is unfit for public use, and 291
to have the amount of ~~such~~ those bids subtracted from the selling 292
price as a means of determining the lowest and best bidder. 293

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(C) If the legislative authority of the municipal corporation 295
determines that municipal personal property is not needed for 296
public use, or is obsolete or unfit for the use for which it was 297
acquired, and that the property has no value, the legislative 298
authority may discard or salvage that property. 299

(D) Notwithstanding anything to the contrary in division (A) 300

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.

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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

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that website. 333

When the property is to be sold by internet auction, the 334
legislative authority or its representative may establish a 335
minimum price that will be accepted for specific items and may 336
establish any other terms and conditions for the particular sale, 337
including requirements for pick-up or delivery, method of payment, 338
and sales tax. This type of information shall be provided on the 339
internet at the time of the auction and may be provided before 340
that time upon request after the terms and conditions have been 341
determined by the legislative authority or its representative. 342

As used in this section, "internet" means the international 343
computer network of both federal and nonfederal interoperable 344
packet switched data networks, including the graphical subnetwork 345
called the world wide web. 346

Section 2. That existing sections 307.12, 505.10, and 721.15 348
of the Revised Code are hereby repealed. 349