

**As Reported by the House Local Government and Townships
Committee**

124th General Assembly

Regular Session

2001-2002

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**

A B I L L

To amend sections 307.12, 505.10, and 721.15 of the 1
Revised Code to authorize counties, townships, and 2
statutory municipal corporations to dispose of 3
unneded, obsolete, or unfit personal property by 4
Internet auction and, if that property has no 5
value, to discard or salvage it. 6

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 7
Revised Code be amended to read as follows: 8

Sec. 307.12. (A) Except as otherwise provided in ~~division~~ 9
divisions (B), (C), and (E) of this section, when the board of 10
county commissioners finds, by resolution, that the county has 11
personal property, including motor vehicles acquired for the use 12
of county officers and departments, and road machinery, equipment, 13
tools, or supplies, which is not needed for public use, or is 14
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 47

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

As Reported by the House Local Government and Townships Committee

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.

80
81
82
83
84
85
86
87
88
89
90
91

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.

92
93
94
95
96
97
98
99
100

(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.

101
102
103
104
105
106
107
108
109
110
111

As Reported by the House Local Government and Townships Committee

~~(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

As Reported by the House Local Government and Townships Committee

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

As Reported by the House Local Government and Townships Committee

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) 206

As Reported by the House Local Government and Townships Committee

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.

207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223

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.

224
225
226
227
228
229
230
231
232
233
234
235

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

236
237
238

As Reported by the House Local Government and Townships Committee

conditions for the particular sale, including requirements for 239
pick-up or delivery, method of payment, and sales tax. This type 240
of information shall be provided on the internet at the time of 241
the auction and may be provided before that time upon request 242
after the terms and conditions have been determined by the board 243
or its representative. 244

Sec. 721.15. (A) Personal property not needed for municipal 245
purposes, the estimated value of which is less than one thousand 246
dollars, may be sold by the board or officer having supervision or 247
management ~~thereof~~ of that property. If the estimated value of 248
~~such that~~ property ~~exceeds~~ is one thousand dollars or more, it 249
shall be sold only when authorized by an ordinance of the 250
legislative authority of the municipal corporation and approved by 251
the board, officer, or director having supervision or management 252
of ~~such personal~~ that property. When so authorized ~~such, the~~ 253
board, officer, or director shall make a written contract with the 254
highest and best bidder after advertisement for not less than two 255
~~nor~~ or more than four consecutive weeks in a newspaper of general 256
circulation within the municipal corporation, or with a board of 257
county commissioners upon such lawful terms as are agreed upon, as 258
provided by section 721.27 of the Revised Code. 259

(B) When the legislative authority finds, by resolution, that 260
the municipal corporation has vehicles, equipment, or machinery 261
which is obsolete, or is not needed or is unfit for public use, 262
~~and further finds~~ that the municipal corporation has need of other 263
vehicles, equipment, or machinery of the same type, and ~~further~~ 264
~~finds~~ that it will be to in the best interest of the municipal 265
corporation that ~~such the~~ sale of obsolete, unneeded, or unfit 266
vehicles, equipment, or machinery be made simultaneously with the 267
purchase of the new vehicles, equipment, or machinery of the same 268
type, ~~said the~~ legislative authority may offer to sell, or 269
authorize a board, officer, or director of ~~said the~~ municipal 270

As Reported by the House Local Government and Townships Committee

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

(C) If the legislative authority of the municipal corporation 290
determines that municipal personal property is not needed for 291
public use, or is obsolete or unfit for the use for which it was 292
acquired, and that the property has no value, the legislative 293
authority may discard or salvage that property. 294

(D) Notwithstanding anything to the contrary in division (A) 295
or (B) of this section and regardless of the property's value, the 296
legislative authority of a municipal corporation may sell personal 297
property, including motor vehicles acquired for the use of 298
municipal officers and departments, and road machinery, equipment, 299
tools, or supplies, which is not needed for public use, or is 300
obsolete or unfit for the use for which it was acquired, by 301
internet auction. The legislative authority shall adopt, during 302

As Reported by the House Local Government and Townships Committee

each calendar year, a resolution expressing its intent to sell 303
that property by internet auction. The resolution shall include a 304
description of how the auctions will be conducted and shall 305
specify the number of days for bidding on the property, which 306
shall be no less than fifteen days, including Saturdays, Sundays, 307
and legal holidays. The resolution shall indicate whether the 308
municipal corporation will conduct the auction or the legislative 309
authority will contract with a representative to conduct the 310
auction and shall establish the general terms and conditions of 311
sale. If a representative is known when the resolution is adopted, 312
the resolution shall provide contact information such as the 313
representative's name, address, and telephone number. 314

After adoption of the resolution, the legislative authority 315
shall publish, in a newspaper of general circulation in the 316
municipal corporation, notice of its intent to sell unneeded, 317
obsolete, or unfit municipal personal property by internet 318
auction. The notice shall include a summary of the information 319
provided in the resolution and shall be published at least twice. 320
The second and any subsequent notice shall be published not less 321
than ten nor more than twenty days after the previous notice. A 322
similar notice also shall be posted continually throughout the 323
calendar year in a conspicuous place in the offices of the village 324
clerk or city auditor, and the legislative authority, and, if the 325
municipal corporation maintains a website on the internet, the 326
notice shall be posted continually throughout the calendar year at 327
that website. 328

When the property is to be sold by internet auction, the 329
legislative authority or its representative may establish a 330
minimum price that will be accepted for specific items and may 331
establish any other terms and conditions for the particular sale, 332
including requirements for pick-up or delivery, method of payment, 333
and sales tax. This type of information shall be provided on the 334

As Reported by the House Local Government and Townships Committee

internet at the time of the auction and may be provided before 335
that time upon request after the terms and conditions have been 336
determined by the legislative authority or its representative. 337

Section 2. That existing sections 307.12, 505.10, and 721.15 338
of the Revised Code are hereby repealed. 339