

## As Introduced

125th General Assembly  
Regular Session  
2003-2004

H. B. No. 323

Representative Hoops

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### A BILL

To amend sections 307.12 and 505.10 of the Revised  
Code to allow boards of county commissioners and  
boards of township trustees to donate certain  
personal property to eligible nonprofit  
organizations.

#### BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

**Section 1.** That sections 307.12 and 505.10 of the Revised  
Code be amended to read as follows:

**Sec. 307.12.** (A) Except as otherwise provided in divisions  
~~(B), (C), and (D),~~ (E), and (G) 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tools, or supplies, which is not needed for public use, ~~or~~ is  
obsolete, or is unfit for the use for which it was acquired, and  
when the fair market value of the property to be sold or donated  
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 the property at public auction or by sealed bid to  
the highest bidder. Notice of the time, place, and manner of the

sale shall be published in a newspaper of general circulation in 21  
the county at least ten days prior to the sale, and a typewritten 22  
or printed notice of the time, place, and manner of the sale shall 23  
be posted at least ten days before the sale in the offices of the 24  
county auditor and the board of county commissioners. 25

If a board conducts a sale of property by sealed bid, the 26  
form of the bid shall be as prescribed by the board, and each bid 27  
shall contain the name of the person submitting it. Bids received 28  
shall be opened and tabulated at the time stated in the notice. 29  
The property shall be sold to the highest bidder, except that the 30  
board may reject all bids and hold another sale, by public auction 31  
or sealedbid, in the manner prescribed by this section. 32

(2) Donate any motor vehicle that does not exceed four 33  
thousand five hundred dollars in value to a nonprofit organization 34  
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 35  
and (c)(3) for the purpose of meeting the transportation needs of 36  
participants in the Ohio works first program established under 37  
Chapter 5107. of the Revised Code and participants in the 38  
prevention, retention, and contingency program established under 39  
Chapter 5108. of the Revised Code. 40

(B) When the board of county commissioners finds, by 41  
resolution, that the county has personal property, including motor 42  
vehicles acquired for the use of county officers and departments, 43  
and road machinery, equipment, tools, or supplies, which is not 44  
needed for public use, ~~or is obsolete,~~ or is unfit for the use for 45  
which it was acquired, and when the fair market value of the 46  
property to be sold or donated under this division is, in the 47  
opinion of the board, two thousand five hundred dollars or less, 48  
the board may ~~sell~~ do either of the following: 49

(1) Sell the property by private sale, without advertisement 50  
or public notification; 51

(2) Donate the property to an eligible nonprofit organization 52  
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 53  
and (c)(3). Before donating any property under this division, the 54  
board shall adopt a resolution expressing its intent to make 55  
unnneeded, obsolete, or unfit-for-use county personal property 56  
available to these organizations. The resolution shall include 57  
guidelines and procedures the board considers necessary to 58  
implement a donation program under this division and shall 59  
indicate whether the county will conduct the donation program or 60  
the board will contract with a representative to conduct it. If a 61  
representative is known when the resolution is adopted, the 62  
resolution shall provide contact information such as the 63  
representative's name, address, and telephone number. 64

The resolution shall include within its procedures a 65  
requirement that any nonprofit organization desiring to obtain 66  
donated property under this division shall submit a written notice 67  
to the board or its representative. The written notice shall 68  
include evidence that the organization is a nonprofit organization 69  
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 70  
and (c)(3); a description of the organization's primary purpose; a 71  
description of the type or types of property the organization 72  
needs; and the name, address, and telephone number of a person 73  
designated by the organization's governing board to receive 74  
donated property and to serve as its agent. 75

After adoption of the resolution, the board shall publish, in 76  
a newspaper of general circulation in the county, notice of its 77  
intent to donate unnneeded, obsolete, or unfit-for-use county 78  
personal property to eligible nonprofit organizations. The notice 79  
shall include a summary of the information provided in the 80  
resolution and shall be published at least twice. The second and 81  
any subsequent notice shall be published not less than ten nor 82  
more than twenty days after the previous notice. A similar notice 83

also shall be posted continually in a conspicuous place in the  
offices of the county auditor and the board of county  
commissioners, and, if the county maintains a web site on the  
internet, the notice shall be posted continually at that web site.

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The board or its representative shall maintain a list of all  
nonprofit organizations that notify the board or its  
representative of their desire to obtain donated property under  
this division and that the board or its representative determines  
to be eligible, in accordance with the requirements set forth in  
the donation program's guidelines and procedures, to receive  
donated property.

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The board or its representatives also shall maintain a list  
of all county personal property the board finds to be unneeded,  
obsolete, or unfit for use and to be available for donation under  
this division. The list shall be posted continually in a  
conspicuous location in the offices of the county auditor and the  
board of county commissioners, and, if the county maintains a web  
site on the internet, the list shall be posted continually at that  
web site. An item of property on the list shall be donated to the  
eligible nonprofit organization that first declares to the board  
or its representative its desire to obtain the item unless the  
board previously has established, by resolution, a list of  
eligible nonprofit organizations that shall be given priority with  
respect to the item's donation. Priority may be given on the basis  
that the purposes of a nonprofit organization have a direct  
relationship to specific public purposes of programs provided or  
administered by the board. A resolution giving priority to certain  
nonprofit organizations with respect to the donation of an item of  
property shall specify the reasons why the organizations are given  
that priority.

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(C) Members of the board of county commissioners shall  
consult with the Ohio ethics commission, and comply with the

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provisions of Chapters 102. and 2921. of the Revised Code, with 116  
respect to any sale or donation under division (A) or (B) of this 117  
section to a nonprofit organization of which a county 118  
commissioner, any member of the county commissioner's family, or 119  
any business associate of the county commissioner is a trustee, 120  
officer, board member, or employee. 121

(D) Notwithstanding anything to the contrary in division (A), 122  
(B), or ~~(C)~~(E) of this section and regardless of the property's 123  
value, the board of county commissioners may sell or donate county 124  
personal property, including motor vehicles, to the federal 125  
government, the state, or any political subdivision of the state 126  
without advertisement or public notification. 127

~~(C)~~(E) Notwithstanding anything to the contrary in division 128  
(A), (B), or ~~(E)~~(G) of this section and regardless of the 129  
property's value, the board of county commissioners may sell 130  
personal property, including motor vehicles acquired for the use 131  
of county officers and departments, and road machinery, equipment, 132  
tools, or supplies, which is not needed for public use, ~~or~~ is 133  
obsolete, or is unfit for the use for which it was acquired, by 134  
internet auction. The board shall adopt, during each calendar 135  
year, a resolution expressing its intent to sell that property by 136  
internet auction. The resolution shall include a description of 137  
how the auctions will be conducted and shall specify the number of 138  
days for bidding on the property, which shall be no less than 139  
fifteen days, including Saturdays, Sundays, and legal holidays. 140  
The resolution shall indicate whether the county will conduct the 141  
auction or the board will contract with a representative to 142  
conduct the auction and shall establish the general terms and 143  
conditions of sale. If a representative is known when the 144  
resolution is adopted, the resolution shall provide contact 145  
information such as the representative's name, address, and 146  
telephone number. 147

After adoption of the resolution, the board shall publish, in 148  
a newspaper of general circulation in the county, notice of its 149  
intent to sell unneeded, obsolete, or unfit-for-use county 150  
personal property by internet auction. The notice shall include a 151  
summary of the information provided in the resolution and shall be 152  
published at least twice. The second and any subsequent notice 153  
shall be published not less than ten nor more than twenty days 154  
after the previous notice. A similar notice also shall be posted 155  
continually throughout the calendar year in a conspicuous place in 156  
the offices of the county auditor and the board of county 157  
commissioners, and, if the county maintains a ~~website~~ web site on 158  
the internet, the notice shall be posted continually throughout 159  
the calendar year at that ~~website~~ web site. 160

When property is to be sold by internet auction, the board or 161  
its representative may establish a minimum price that will be 162  
accepted for specific items and may establish any other terms and 163  
conditions for the particular sale, including requirements for 164  
pick-up or delivery, method of payment, and sales tax. This type 165  
of information shall be provided on the internet at the time of 166  
the auction and may be provided before that time upon request 167  
after the terms and conditions have been determined by the board 168  
or its representative. 169

~~(D)~~(F) When a county officer or department head determines 170  
that county-owned personal property under the jurisdiction of the 171  
officer or department head, including motor vehicles, road 172  
machinery, equipment, tools, or supplies, is not of immediate 173  
need, the county officer or department head may notify the board 174  
of county commissioners, and the board may lease that personal 175  
property to any municipal corporation, township, or other 176  
political subdivision of the state. The lease shall require the 177  
county to be reimbursed under terms, conditions, and fees 178  
established by the board, or under contracts executed by the 179

board. 180

~~(E)~~(G) If the board of county commissioners finds, by 181  
resolution, that the county has vehicles, equipment, or machinery 182  
which is not needed, or is unfit for public use, and the board 183  
desires to sell the vehicles, equipment, or machinery to the 184  
person or firm from which it proposes to purchase other vehicles, 185  
equipment, or machinery, the board may offer to sell the vehicles, 186  
equipment, or machinery to that person or firm, and to have the 187  
selling price credited to the person or firm against the purchase 188  
price of other vehicles, equipment, or machinery. 189

~~(F)~~(H) If the board of county commissioners advertises for 190  
bids for the sale of new vehicles, equipment, or machinery to the 191  
county, it may include in the same advertisement a notice of the 192  
willingness of the board to accept bids for the purchase of 193  
county-owned vehicles, equipment, or machinery which is obsolete 194  
or not needed for public use, and to have the amount of those bids 195  
subtracted from the selling price of the other vehicles, 196  
equipment, or machinery as a means of determining the lowest 197  
responsible bidder. 198

~~(G)~~(I) If a board of county commissioners determines that 199  
county personal property is not needed for public use, or is 200  
obsolete or unfit for the use for which it was acquired, and that 201  
the property has no value, the board may discard or salvage that 202  
property. 203

~~(H)~~(J) As used in this section, "internet" means the 204  
international computer network of both federal and nonfederal 205  
interoperable packet switched data networks, including the 206  
graphical subnetwork called the world wide web. 207

**Sec. 505.10.** (A) The board of township trustees may accept, 208  
on behalf of the township, the donation by bequest, devise, deed 209  
of gift, or otherwise, of any real or personal property for any 210

township use. When the township has property, including motor 211  
vehicles, road machinery, equipment, and tools, which the board, 212  
by resolution, finds ~~it does~~ is not ~~need~~ needed for public use, is 213  
obsolete, or is unfit for the use for which it was acquired, the 214  
board may sell and convey that property or otherwise dispose of it 215  
in accordance with this section. Except as otherwise provided in 216  
sections 505.08, 505.101, and 505.102 of the Revised Code, the 217  
sale or other disposition of unneeded, obsolete, or unfit-for-use 218  
property shall be made in accordance with one of the following: 219

~~(A)~~(1) If the fair market value of property ~~to be sold~~ is, in 220  
the opinion of the board, in excess of two thousand five hundred 221  
dollars, the sale shall be by public auction, ~~and the~~. The board 222  
shall publish notice of the time, place, and manner of the sale 223  
once a week for three weeks in a newspaper published, or of 224  
general circulation, in the township, the last of those 225  
publications to be at least five days before the date of sale, and 226  
shall post a typewritten or printed notice of the time, place, and 227  
manner of the sale in the office of the board for at least ten 228  
days prior to the sale. 229

(2) If the fair market value of property to be sold is, in 230  
the opinion of the board, two thousand five hundred dollars or 231  
less, the board may ~~sell~~ do either of the following: 232

(a) Sell the property by private sale, without advertisement 233  
or public notification; 234

(b) Donate the property to an eligible nonprofit organization 235  
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 236  
and (c)(3). Before donating any property under this division, the 237  
board shall adopt a resolution expressing its intent to make 238  
unneeded, obsolete, or unfit-for-use township property available 239  
to these organizations. The resolution shall include guidelines 240  
and procedures the board considers to be necessary to implement 241



the donation program and shall indicate whether the township will  
conduct the donation program or the board will contract with a  
representative to conduct it. 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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The resolution shall include within its procedures a  
requirement that any nonprofit organization desiring to obtain  
donated property under this division shall submit a written notice  
to the board or its representative. The written notice shall  
include evidence that the organization is a nonprofit organization  
exempt from federal income taxation pursuant to 26 U.S.C. 501(a)  
and (c)(3); a description of the organization's primary purpose; a  
description of the type or types of property the organization  
needs; and the name, address, and telephone number of a person  
designated by the organization's governing board to receive  
donated property and to serve as its agent.

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After adoption of the resolution, the board shall publish, in  
a newspaper of general circulation in the township, notice of its  
intent to donate unneeded, obsolete, or unfit-for-use township  
property to eligible nonprofit organizations. 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 in the board's office, and, if the  
township maintains a web site on the internet, the notice shall be  
posted continually at that web site.

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The board or its representatives shall maintain a list of all  
nonprofit organizations that notify the board or its  
representative of their desire to obtain donated property under  
this division and that the board or its representative determines

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to be eligible, in accordance with the requirements set forth in 274  
the donation program's guidelines and procedures, to receive 275  
donated property. 276

The board or its representative also shall maintain a list of 277  
all township property the board finds to be unneeded, obsolete, or 278  
unfit for use and to be available for donation under this 279  
division. The list shall be posted continually in a conspicuous 280  
location in the board's office, and, if the township maintains a 281  
web site on the internet, the list shall be posted continually at 282  
that web site. An item of property on the list shall be donated to 283  
the eligible nonprofit organization that first declares to the 284  
board or its representative its desire to obtain the item unless 285  
the board previously has established, by resolution, a list of 286  
eligible nonprofit organizations that shall be given priority with 287  
respect to the item's donation. Priority may be given on the basis 288  
that the purposes of a nonprofit organization have a direct 289  
relationship to specific public purposes of programs provided or 290  
administered by the board. A resolution giving priority to certain 291  
nonprofit organizations with respect to the donation of an item of 292  
property shall specify the reasons why the organizations are given 293  
that priority. 294

(3) If the board finds, by resolution, that the township has 295  
motor vehicles, road machinery, equipment, or tools which are not 296  
needed or are unfit for public use, and the board wishes to sell 297  
the motor vehicles, road machinery, equipment, or tools to the 298  
person or firm from which it proposes to purchase other motor 299  
vehicles, road machinery, equipment, or tools, the board may offer 300  
to sell the motor vehicles, road machinery, equipment, or tools to 301  
that person or firm, and to have the selling price credited to the 302  
person or firm against the purchase price of other motor vehicles, 303  
road machinery, equipment, or tools. 304

(4) If the board advertises for bids for the sale of new 305

motor vehicles, road machinery, equipment, or tools to the 306  
township, it may include in the same advertisement a notice of the 307  
willingness of the board to accept bids for the purchase of 308  
township-owned motor vehicles, road machinery, equipment, or tools 309  
which are obsolete or not needed for public use, and to have the 310  
amount of those bids subtracted from the selling price of the new 311  
motor vehicles, road machinery, equipment, or tools, as a means of 312  
determining the lowest responsible bidder. 313

(5) When a township has title to real property, the board of 314  
township trustees, by resolution, may authorize the transfer and 315  
conveyance of that property to any other political subdivision of 316  
the state upon such terms as are agreed to between the board and 317  
the legislative authority of that political subdivision. 318

(6) When a township has title to real property and the board 319  
of township trustees wishes to sell or otherwise transfer the 320  
property, the board, upon a unanimous vote of its members and by 321  
resolution, may authorize the transfer and conveyance of that real 322  
property to any person upon whatever terms are agreed to between 323  
the board and that person. 324

(7) If the board of township trustees determines that 325  
township personal property is not needed for public use, or is 326  
obsolete or unfit for the use for which it was acquired, and that 327  
the property has no value, the board may discard or salvage that 328  
property. 329

(B) When the board has offered property at public auction 330  
under this section and has not received an acceptable offer, the 331  
board, by resolution, may enter into a contract, without 332  
advertising or bidding, for the sale of that property. The 333  
resolution shall specify a minimum acceptable price and the 334  
minimum acceptable terms for the contract. The minimum acceptable 335  
price shall not be lower than the minimum price established for 336  
the public auction. 337

(C) Members of the board shall consult with the Ohio ethics 338  
commission and comply with the provisions of Chapters 102. and 339  
2921. of the Revised Code, with respect to any sale or donation 340  
under division (A)(2) of this section to a nonprofit organization 341  
of which a township trustee, any member of the township trustee's 342  
family, or any business associate of the township trustee is a 343  
trustee, officer, board member, or employee. 344

(D) Notwithstanding anything to the contrary in division (A) 345  
or (B) of this section and regardless of the property's value, the 346  
board ~~of township trustees~~ may sell personal property, including 347  
motor vehicles, road machinery, equipment, tools, or supplies, 348  
which is not needed for public use, ~~or is obsolete,~~ or is unfit 349  
for the use for which it was acquired, by internet auction. The 350  
board shall adopt, during each calendar year, a resolution 351  
expressing its intent to sell that property by internet auction. 352  
The resolution shall include a description of how the auctions 353  
will be conducted and shall specify the number of days for bidding 354  
on the property, which shall be no less than fifteen days, 355  
including Saturdays, Sundays, and legal holidays. The resolution 356  
shall indicate whether the township will conduct the auction or 357  
the board will contract with a representative to conduct the 358  
auction and shall establish the general terms and conditions of 359  
sale. If a representative is known when the resolution is adopted, 360  
the resolution shall provide contact information such as the 361  
representative's name, address, and telephone number. 362

After adoption of the resolution, the board shall publish, in 363  
a newspaper of general circulation in the township, notice of its 364  
intent to sell unneeded, obsolete, or unfit-for-use township 365  
personal property by internet auction. The notice shall include a 366  
summary of the information provided in the resolution and shall be 367  
published at least twice. The second and any subsequent notice 368  
shall be published not less than ten nor more than twenty days 369

after the previous notice. A ~~clerk also shall post a~~ similar 370  
notice also shall be posted continually throughout the calendar 371  
year in a conspicuous place in the board's office, and, if the 372  
township maintains a ~~website~~ web site on the internet, the notice 373  
shall be posted continually throughout the calendar year at that 374  
~~website~~ web site. 375

When property is to be sold by internet auction, the board or 376  
its representative may establish a minimum price that will be 377  
accepted for specific items and may establish any other terms and 378  
conditions for the particular sale, including requirements for 379  
pick-up or delivery, method of payment, and sales tax. This type 380  
of information shall be provided on the internet at the time of 381  
the auction and may be provided before that time upon request 382  
after the terms and conditions have been determined by the board 383  
or its representative. 384

As used in this section, "internet" means the international 385  
computer network of both federal and nonfederal interoperable 386  
packet switched data networks, including the graphical subnetwork 387  
called the world wide web. 388

**Section 2.** That existing sections 307.12 and 505.10 of the 389  
Revised Code are hereby repealed. 390