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**Representatives Hoops, Wolpert, Daniels, Chandler, Cirelli, Collier,
Domenick, C. Evans, Fessler, Flowers, Martin, McGregor, Olman, Price,
Schlichter, Sferra, Skindell, Ujvagi, Wagner, Walcher, Allen, Aslanides,
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Reidelbach, Schmidt, Seaver, Seitz, Setzer, D. Stewart, Strahorn, Taylor,
Webster, Widener, Wilson, Woodard**

A B I L L

To amend sections 307.12 and 505.10 of the Revised 1
Code to allow boards of county commissioners and 2
boards of township trustees to donate certain 3
personal property to eligible nonprofit 4
organizations located in Ohio. 5

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

Section 1. That sections 307.12 and 505.10 of the Revised 6
Code be amended to read as follows: 7

Sec. 307.12. (A) Except as otherwise provided in divisions 8
~~(B), (C), and (D),~~ (E), and (G) of this section, when the board of 9
county commissioners finds, by resolution, that the county has 10
personal property, including motor vehicles acquired for the use 11
of county officers and departments, and road machinery, equipment, 12
tools, or supplies, which is not needed for public use, ~~is~~ is 13

obsolete, or is unfit for the use for which it was acquired, and 14
when the fair market value of the property to be sold or donated 15
under this division is, in the opinion of the board, in excess of 16
two thousand five hundred dollars, the board may do either of the 17
following: 18

(1) Sell the property at public auction or by sealed bid to 19
the highest bidder. Notice of the time, place, and manner of the 20
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 sealed bid, 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
that is located in this state and is exempt from federal income 53
taxation pursuant to 26 U.S.C. 501(a) and (c)(3). Before donating 54
any property under this division, the board shall adopt a 55
resolution expressing its intent to make unneeded, obsolete, or 56
unfit-for-use county personal property available to these 57
organizations. The resolution shall include guidelines and 58
procedures the board considers necessary to implement a donation 59
program under this division and shall indicate whether the county 60
will conduct the donation program or the board will contract with 61
a representative to conduct it. If a representative is known when 62
the resolution is adopted, the resolution shall provide contact 63
information such as the representative's name, address, and 64
telephone number. 65

The resolution shall include within its procedures a 66
requirement that any nonprofit organization desiring to obtain 67
donated property under this division shall submit a written notice 68
to the board or its representative. The written notice shall 69
include evidence that the organization is a nonprofit organization 70
that is located in this state and is exempt from federal income 71
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 72
the organization's primary purpose; a description of the type or 73
types of property the organization needs; and the name, address, 74
and telephone number of a person designated by the organization's 75
governing board to receive donated property and to serve as its 76

agent.

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After adoption of the resolution, the board shall publish, in
a newspaper of general circulation in the county, notice of its
intent to donate unneeded, obsolete, or unfit-for-use county
personal 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 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
this section and 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

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respect to the item's donation. Priority may be given on the basis 109
that the purposes of a nonprofit organization have a direct 110
relationship to specific public purposes of programs provided or 111
administered by the board. A resolution giving priority to certain 112
nonprofit organizations with respect to the donation of an item of 113
property shall specify the reasons why the organizations are given 114
that priority. 115

(C) Members of the board of county commissioners shall 116
consult with the Ohio ethics commission, and comply with the 117
provisions of Chapters 102. and 2921. of the Revised Code, with 118
respect to any sale or donation under division (A) or (B) of this 119
section to a nonprofit organization of which a county 120
commissioner, any member of the county commissioner's family, or 121
any business associate of the county commissioner is a trustee, 122
officer, board member, or employee. 123

(D) Notwithstanding anything to the contrary in division (A), 124
(B), or ~~(C)~~(E) of this section and regardless of the property's 125
value, the board of county commissioners may sell or donate county 126
personal property, including motor vehicles, to the federal 127
government, the state, or any political subdivision of the state 128
without advertisement or public notification. 129

~~(C)~~(E) Notwithstanding anything to the contrary in division 130
(A), (B), or ~~(E)~~(G) of this section and regardless of the 131
property's value, the board of county commissioners may sell 132
personal property, including motor vehicles acquired for the use 133
of county officers and departments, and road machinery, equipment, 134
tools, or supplies, which is not needed for public use, ~~or~~ is 135
obsolete, or is unfit for the use for which it was acquired, by 136
internet auction. The board shall adopt, during each calendar 137
year, a resolution expressing its intent to sell that property by 138
internet auction. The resolution shall include a description of 139
how the auctions will be conducted and shall specify the number of 140

days for bidding on the property, which shall be no less than 141
fifteen days, including Saturdays, Sundays, and legal holidays. 142
The resolution shall indicate whether the county will conduct the 143
auction or the board will contract with a representative to 144
conduct the auction and shall establish the general terms and 145
conditions of sale. If a representative is known when the 146
resolution is adopted, the resolution shall provide contact 147
information such as the representative's name, address, and 148
telephone number. 149

After adoption of the resolution, the board shall publish, in 150
a newspaper of general circulation in the county, notice of its 151
intent to sell unneeded, obsolete, or unfit for use county 152
personal property by internet auction. The notice shall include a 153
summary of the information provided in the resolution and shall be 154
published at least twice. The second and any subsequent notice 155
shall be published not less than ten nor more than twenty days 156
after the previous notice. A similar notice also shall be posted 157
continually throughout the calendar year in a conspicuous place in 158
the offices of the county auditor and the board of county 159
commissioners, and, if the county maintains a ~~website~~ web site on 160
the internet, the notice shall be posted continually throughout 161
the calendar year at that ~~website~~ web site. 162

When property is to be sold by internet auction, the board or 163
its representative may establish a minimum price that will be 164
accepted for specific items and may establish any other terms and 165
conditions for the particular sale, including requirements for 166
pick-up or delivery, method of payment, and sales tax. This type 167
of information shall be provided on the internet at the time of 168
the auction and may be provided before that time upon request 169
after the terms and conditions have been determined by the board 170
or its representative. 171

~~(D)~~ (F) When a county officer or department head determines 172

that county-owned personal property under the jurisdiction of the 173
officer or department head, including motor vehicles, road 174
machinery, equipment, tools, or supplies, is not of immediate 175
need, the county officer or department head may notify the board 176
of county commissioners, and the board may lease that personal 177
property to any municipal corporation, township, or other 178
political subdivision of the state. The lease shall require the 179
county to be reimbursed under terms, conditions, and fees 180
established by the board, or under contracts executed by the 181
board. 182

~~(E)~~(G) If the board of county commissioners finds, by 183
resolution, that the county has vehicles, equipment, or machinery 184
which is not needed, or is unfit for public use, and the board 185
desires to sell the vehicles, equipment, or machinery to the 186
person or firm from which it proposes to purchase other vehicles, 187
equipment, or machinery, the board may offer to sell the vehicles, 188
equipment, or machinery to that person or firm, and to have the 189
selling price credited to the person or firm against the purchase 190
price of other vehicles, equipment, or machinery. 191

~~(F)~~(H) If the board of county commissioners advertises for 192
bids for the sale of new vehicles, equipment, or machinery to the 193
county, it may include in the same advertisement a notice of the 194
willingness of the board to accept bids for the purchase of 195
county-owned vehicles, equipment, or machinery which is obsolete 196
or not needed for public use, and to have the amount of those bids 197
subtracted from the selling price of the other vehicles, 198
equipment, or machinery as a means of determining the lowest 199
responsible bidder. 200

~~(G)~~(I) If a board of county commissioners determines that 201
county personal property is not needed for public use, or is 202
obsolete or unfit for the use for which it was acquired, and that 203
the property has no value, the board may discard or salvage that 204

property. 205

~~(H)~~(J) As used in this section, "internet" means the 206
international computer network of both federal and nonfederal 207
interoperable packet switched data networks, including the 208
graphical subnetwork called the world wide web. 209

Sec. 505.10. (A) The board of township trustees may accept, 210
on behalf of the township, the donation by bequest, devise, deed 211
of gift, or otherwise, of any real or personal property for any 212
township use. When the township has property, including motor 213
vehicles, road machinery, equipment, and tools, which the board, 214
by resolution, finds is not needed for public use, is obsolete, or 215
is unfit for the use for which it was acquired, the board may sell 216
and convey that property or otherwise dispose of it in accordance 217
with this section. Except as otherwise provided in sections 218
505.08, 505.101, and 505.102 of the Revised Code, the sale or 219
other disposition of unneeded, obsolete, or unfit_for_use property 220
shall be made in accordance with one of the following: 221

~~(A)~~(1) If the fair market value of property to be sold is, in 222
the opinion of the board, in excess of two thousand five hundred 223
dollars, the sale shall be by public auction or by sealed bid to 224
the highest bidder. The board shall publish notice of the time, 225
place, and manner of the sale once a week for three weeks in a 226
newspaper published, or of general circulation, in the township, 227
the last of those publications to be at least five days before the 228
date of sale, and shall post a typewritten or printed notice of 229
the time, place, and manner of the sale in the office of the board 230
for at least ten days prior to the sale. 231

If the board conducts the sale of the property by sealed bid, 232
the form of the bid shall be as prescribed by the board, and each 233
bid shall contain the name of the person submitting it. Bids 234
received shall be opened and tabulated at the time stated in the 235

published and posted notices. 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.

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

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

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

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and telephone number of a person designated by the organization's 267
governing board to receive donated property and to serve as its 268
agent. 269

After adoption of the resolution, the board shall publish, in 270
a newspaper of general circulation in the township, notice of its 271
intent to donate unneeded, obsolete, or unfit-for-use township 272
property to eligible nonprofit organizations. The notice shall 273
include a summary of the information provided in the resolution 274
and shall be published at least twice. The second and any 275
subsequent notice shall be published not less than ten nor more 276
than twenty days after the previous notice. A similar notice also 277
shall be posted continually in the board's office, and, if the 278
township maintains a web site on the internet, the notice shall be 279
posted continually at that web site. 280

The board or its representatives shall maintain a list of all 281
nonprofit organizations that notify the board or its 282
representative of their desire to obtain donated property under 283
this division and that the board or its representative determines 284
to be eligible, in accordance with the requirements set forth in 285
this section and in the donation program's guidelines and 286
procedures, to receive donated property. 287

The board or its representative also shall maintain a list of 288
all township property the board finds to be unneeded, obsolete, or 289
unfit for use and to be available for donation under this 290
division. The list shall be posted continually in a conspicuous 291
location in the board's office, and, if the township maintains a 292
web site on the internet, the list shall be posted continually at 293
that web site. An item of property on the list shall be donated to 294
the eligible nonprofit organization that first declares to the 295
board or its representative its desire to obtain the item unless 296
the board previously has established, by resolution, a list of 297
eligible nonprofit organizations that shall be given priority with 298

respect to the item's donation. Priority may be given on the basis 299
that the purposes of a nonprofit organization have a direct 300
relationship to specific public purposes of programs provided or 301
administered by the board. A resolution giving priority to certain 302
nonprofit organizations with respect to the donation of an item of 303
property shall specify the reasons why the organizations are given 304
that priority. 305

(3) If the board finds, by resolution, that the township has 306
motor vehicles, road machinery, equipment, or tools which are not 307
needed or are unfit for public use, and the board wishes to sell 308
the motor vehicles, road machinery, equipment, or tools to the 309
person or firm from which it proposes to purchase other motor 310
vehicles, road machinery, equipment, or tools, the board may offer 311
to sell the motor vehicles, road machinery, equipment, or tools to 312
that person or firm, and to have the selling price credited to the 313
person or firm against the purchase price of other motor vehicles, 314
road machinery, equipment, or tools. 315

(4) If the board advertises for bids for the sale of new 316
motor vehicles, road machinery, equipment, or tools to the 317
township, it may include in the same advertisement a notice of the 318
willingness of the board to accept bids for the purchase of 319
township-owned motor vehicles, road machinery, equipment, or tools 320
which are obsolete or not needed for public use, and to have the 321
amount of those bids subtracted from the selling price of the new 322
motor vehicles, road machinery, equipment, or tools, as a means of 323
determining the lowest responsible bidder. 324

(5) When a township has title to real property, the board of 325
township trustees, by resolution, may authorize the transfer and 326
conveyance of that property to any other political subdivision of 327
the state upon such terms as are agreed to between the board and 328
the legislative authority of that political subdivision. 329

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

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

(D) Notwithstanding anything to the contrary in division (A) or (B) of this section and regardless of the property's value, the board may sell personal property, including motor vehicles, road machinery, equipment, tools, or supplies, which is not needed for public use, ~~is~~ is obsolete, or is unfit for the use for which it

was acquired, by internet auction. The board shall adopt, during 361
each calendar year, a resolution expressing its intent to sell 362
that property by internet auction. The resolution shall include a 363
description of how the auctions will be conducted and shall 364
specify the number of days for bidding on the property, which 365
shall be no less than fifteen days, including Saturdays, Sundays, 366
and legal holidays. The resolution shall indicate whether the 367
township will conduct the auction or the board will contract with 368
a representative to conduct the auction and shall establish the 369
general terms and conditions of sale. If a representative is known 370
when the resolution is adopted, the resolution shall provide 371
contact information such as the representative's name, address, 372
and telephone number. 373

After adoption of the resolution, the board shall publish, in 374
a newspaper of general circulation in the township, notice of its 375
intent to sell unneeded, obsolete, or unfit_for_use township 376
personal property by internet auction. The notice shall include a 377
summary of the information provided in the resolution and shall be 378
published at least twice. The second and any subsequent notice 379
shall be published not less than ten nor more than twenty days 380
after the previous notice. A ~~clerk also shall post a~~ similar 381
notice also shall be posted continually throughout the calendar 382
year in a conspicuous place in the board's office, and, if the 383
township maintains a web site on the internet, the notice shall be 384
posted continually throughout the calendar year at that web site. 385

When property is to be sold by internet auction, the board or 386
its representative may establish a minimum price that will be 387
accepted for specific items and may establish any other terms and 388
conditions for the particular sale, including requirements for 389
pick-up or delivery, method of payment, and sales tax. This type 390
of information shall be provided on the internet at the time of 391
the auction and may be provided before that time upon request 392

after the terms and conditions have been determined by the board 393
or its representative. 394

As used in this section, "internet" means the international 395
computer network of both federal and nonfederal interoperable 396
packet switched data networks, including the graphical subnetwork 397
called the world wide web. 398

Section 2. That existing sections 307.12 and 505.10 of the 399
Revised Code are hereby repealed. 400