

**As Reported by the House County and Township Government  
Committee**

**125th General Assembly**

**Regular Session**

**2003-2004**

**Sub. H. B. No. 323**

**Representatives Hoops, Wolpert, Daniels, Chandler, Cirelli, Collier,  
Domenick, C. Evans, Fessler, Flowers, Martin, McGregor, Olman, Price,  
Schlichter, Sferra, Skindell, Ujvagi, Wagner, Walcher**

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**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, ~~or~~ 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. 77

After adoption of the resolution, the board shall publish, in 78  
a newspaper of general circulation in the county, notice of its 79  
intent to donate unneeded, obsolete, or unfit-for-use county 80

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  
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

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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 236  
highest bidder, except that the board may reject all bids and hold 237  
another sale, by public auction or sealed bid, in the manner 238  
prescribed by this section. 239



(2) If the fair market value of property to be sold is, in 240  
the opinion of the board, two thousand five hundred dollars or 241  
less, the board may ~~sell~~ do either of the following: 242

(a) Sell the property by private sale, without advertisement 243  
or public notification; 244

(b) Donate the property to an eligible nonprofit organization 245  
that is located in this state and is exempt from federal income 246  
taxation pursuant to 26 U.S.C. 501(a) and (c)(3). Before donating 247  
any property under this division, the board shall adopt a 248  
resolution expressing its intent to make unneeded, obsolete, or 249  
unfit-for-use township property available to these organizations. 250  
The resolution shall include guidelines and procedures the board 251  
considers to be necessary to implement the donation program and 252  
shall indicate whether the township will conduct the donation 253  
program or the board will contract with a representative to 254  
conduct it. If a representative is known when the resolution is 255  
adopted, the resolution shall provide contact information such as 256  
the representative's name, address, and telephone number. 257

The resolution shall include within its procedures a 258  
requirement that any nonprofit organization desiring to obtain 259  
donated property under this division shall submit a written notice 260  
to the board or its representative. The written notice shall 261  
include evidence that the organization is a nonprofit organization 262  
that is located in this state and is exempt from federal income 263  
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 264  
the organization's primary purpose; a description of the type or 265  
types of property the organization needs; and the name, address, 266  
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 330  
of township trustees wishes to sell or otherwise transfer the 331  
property, the board, upon a unanimous vote of its members and by 332  
resolution, may authorize the transfer and conveyance of that real 333

property to any person upon whatever terms are agreed to between 334  
the board and that person. 335

(7) If the board of township trustees determines that 336  
township personal property is not needed for public use, or is 337  
obsolete or unfit for the use for which it was acquired, and that 338  
the property has no value, the board may discard or salvage that 339  
property. 340

(B) When the board has offered property at public auction 341  
under this section and has not received an acceptable offer, the 342  
board, by resolution, may enter into a contract, without 343  
advertising or bidding, for the sale of that property. The 344  
resolution shall specify a minimum acceptable price and the 345  
minimum acceptable terms for the contract. The minimum acceptable 346  
price shall not be lower than the minimum price established for 347  
the public auction. 348

(C) Members of the board shall consult with the Ohio ethics 349  
commission and comply with the provisions of Chapters 102. and 350  
2921. of the Revised Code, with respect to any sale or donation 351  
under division (A)(2) of this section to a nonprofit organization 352  
of which a township trustee, any member of the township trustee's 353  
family, or any business associate of the township trustee is a 354  
trustee, officer, board member, or employee. 355

(D) Notwithstanding anything to the contrary in division (A) 356  
or (B) of this section and regardless of the property's value, the 357  
board may sell personal property, including motor vehicles, road 358  
machinery, equipment, tools, or supplies, which is not needed for 359  
public use, ~~or~~ is obsolete, or is unfit for the use for which it 360  
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