

RECORD OF RESOLUTION

Resolution No. 2024-R-07

Passed March 19, 2024
YEAR

WHEREAS, the Village Administrator is requesting authority to sell the following specific surplus municipal personal property by internet auction:

1995 Chevrolet S10 Pick Up Vin # 1GCCS144XSK149596
2006 GMC Utility Truck Vin # 1GDJK39GX6E245587

5' Push Blade
5' Tiller
Factory Cleaner - has 1021.4 hours

John Deere Zero Turn mower - JD Z930M ZTrak 7iron Pro 60" deck 2022.1 hours
John Deere Zero Turn mower - JD Z930M ZTrak 7iron Pro 60" deck 1492.8 hours

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF GREENWICH, STATE OF OHIO: (RC 731.18)

SECTION 1. That Village Council hereby finds that the following municipal personal property is surplus and not needed for public use, or is obsolete or unfit for the use for which it was acquired:

1995 Chevrolet S10 Pick Up Vin # 1GCCS144XSK149596
2006 GMC Utility Truck Vin # 1GDJK39GX6E245587

5' Push Blade
5' Tiller
Factory Cleaner - has 1021.4 hours

John Deere Zero Turn mower - JD Z930M ZTrak 7iron Pro 60" deck 2022.1 hours
John Deere Zero Turn mower - JD Z930M ZTrak 7iron Pro 60" deck 1492.8 hours

SECTION 2. That the Village Administrator is hereby authorized to sell the surplus municipal personal property described herein by internet auction pursuant to ORC 721.15(D) under the guidelines and the general terms and conditions for this calendar year established in Resolution No. 2024-R-06.

SECTION 3. AUCTION REPRESENTATIVE. That the Village Administrator is hereby further authorized to enter into a contract with an auction representative previously established by Resolution for this calendar year.

SECTION 4. MINIMUM PRICE. That the Village Administrator is further authorized and directed to establish a minimum selling price for each specific item.

SECTION 5. SPECIFIC TERMS AND CONDITIONS. That the Village Administrator is further authorized to establish any other specific terms and conditions for each specific sale, including, but not limited to, auction fees, pick-up or delivery, method of payment, sales tax, or any other specific terms and conditions determined by council. See ORC 721.15(D) paragraph 3.

SECTION 6. DISPENSE WITH THREE READINGS. That the legislative authority, upon a vote of at least three-fourths of its members, hereby dispenses with the rule requiring each ordinance or resolution shall be read on three different days. [R.C. 705.15 and 731.17(A)(2)]

SECTION 7. DECLARATION OF EMERGENCY FOR IMMEDIATE EFFECT. That by two-thirds vote of all the members elected to the legislative authority, this legislation is hereby declared to be an emergency measure pursuant to RC 731.30, being necessary for the immediate preservation of the public peace, health, or safety of the municipal corporation and shall go into immediate effect for the following reason(s):

The next internet/live auction is scheduled for April 2024

SECTION 8. PUBLIC MEETING. That it is found and determined that all formal action of this public

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VILLAGE COUNCIL OF GREENWICH, OHIO RESOLUTION NO.: 2024-R-07

SALE OF SURPLUS MUNICIPAL PERSONAL PROPERTY BY INTERNET AUCTION ORC 721.15

A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO SELL CERTAIN SURPLUS MUNICIPAL PERSONAL PROPERTY, WHICH IS NOT NEEDED FOR PUBLIC USE, OR IS OBSOLETE OR UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED, BY INTERNET AUCTION PURSUANT TO ORC 721.15(D) AND VILLAGE RESOLUTION NO.: **2024-R-06**, AND ESTABLISHING THE SPECIFIC TERMS AND CONDITIONS OF EACH SPECIFIC SALE AND DECLARING AN EMERGENCY

WHEREAS, The Village Administrator reports that the Village is in possession of certain surplus municipal personal property which is not needed for public use, or is obsolete or unfit for the use for which it was acquired; and

WHEREAS, Section 721.01 of the Ohio Revised Code permits the lease or sale of municipal property and reads:

Section 721.01 | Lease or sale of municipal property.

Municipal corporations have special power to sell or lease real estate or to sell personal property belonging to the municipal corporation, when such real estate or personal property is not needed for any municipal purpose. Such power shall be exercised in the manner provided by this chapter.

WHEREAS, Village Council previously enacted Resolution No.: **2024-R-06** expressing intent to sell personal property by internet auction for the calendar year pursuant to ORC 721.15(D) which reads:

Section 721.15 | Disposition of property unneeded, obsolete or unfit for municipal purposes.

*(D) Notwithstanding anything to the contrary in division (A) or (B) of this section and regardless of the property's value, the legislative authority of a municipal corporation may sell personal property, including motor vehicles acquired for the use of municipal officers and departments, and road machinery, equipment, tools, or supplies, which is not needed for public use, or is obsolete or unfit for the use for which it was acquired, by internet auction. **The legislative authority shall adopt, during each calendar year, a resolution expressing its intent to sell that property by internet auction.** The resolution shall include a description of how the auctions will be conducted and shall specify the number of days for bidding on the property, which shall be no less than ten days, including Saturdays, Sundays, and legal holidays. The resolution shall indicate whether the municipal corporation will conduct the auction or the legislative authority will contract with a representative to conduct the auction and shall establish the general terms and conditions of sale. If a representative is known when the resolution is adopted, the resolution shall provide contact information such as the representative's name, address, and telephone number.*

After adoption of the resolution, the legislative authority shall publish, in a newspaper of general circulation in the municipal corporation or as provided in section 7.16 of the Revised Code, notice of its intent to sell unneeded, obsolete, or unfit municipal personal property by internet auction. The notice shall include a summary of the information provided in the resolution and shall be published twice. The second notice shall be published not less than ten nor more than twenty days after the previous notice. A similar notice also shall be posted continually throughout the calendar year in a conspicuous place in the offices of the village clerk or city auditor, and the legislative authority. If the municipal corporation maintains a web site on the internet, the notice shall be posted continually throughout the calendar year at that web site.

When the property is to be sold by internet auction, the legislative authority 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 legislative authority or its representative.

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body concerning or relating to the passage of this legislation were adopted in a public meeting open to the public at all times, and that all deliberations of the public body and any of its committees that resulted in such formal action, were in public meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of section 121.22 of the Ohio Revised Code.

WHEREFORE, this legislation shall be in full force and effect from and after the earliest period allowed by law.

PASSED AND ADOPTED on this 19 day of March, 2024.

ATTESTATION (RC 731.20)

We hereby attest and affirm that the foregoing legislation received the necessary affirmative roll call votes required for passage by R.C. 731.17.

[Signature]
MAYOR

[Signature]
FISCAL OFFICER

LEGISLATION READINGS ORC 731.17(A)

- (1) Each ordinance and resolution shall be read by title only, provided the legislative authority may require any reading to be in full by a majority vote of its members.
(2) Each ordinance or resolution shall be read on three different days, provided the legislative authority may dispense with this rule by a vote of at least three-fourths of its members.

First Reading: 3/19/24 Second Reading: Dispensed Third Reading: Dispensed

ROLL CALL VOTE ORC 731.17(A)(3)

The vote on the passage was taken by yeas and nays and entered upon the journal. Each ordinance or resolution shall be passed, except as otherwise provided by law, by a vote of at least a majority of all the members of the legislative authority. Yeas, nays, abstentions, excused or absent votes were recorded as follows:

yes
Mike King

yes
Randy Wilson

yes
Lynne Phillips

yes
Jason Hunter

yes
Regina Lueck

yes
Dorene Beverly

PREPARED BY AND APPROVED AS TO FORM (See also RC 731.21(B)):

[Signature]
VILLAGE SOLICITOR, Steve Palmer

CERTIFICATE OF PUBLICATION ORC 731.21 and 731.22

Pursuant to ORC 731.21(A)(3), I hereby certify that a succinct summary of the above legislation was/will be published using the following method: **ON THE WEBSITE AND SOCIAL MEDIA ACCOUNT OF THE MUNICIPAL CORPORATION**
The succinct summary was reviewed by the village solicitor as required by ORC 731.21(B). Publication was/will be made at least once a week for two consecutive weeks as required by ORC 731.22.

[Signature]
FISCAL OFFICER