

# COUNCIL CHAMBER

City of Berea, Ohio

RESOLUTION No. 2016-92

By Rick Skoczen Sponsored By Mayor Cyril M. Kleem

## A RESOLUTION

EXPRESSING THE INTENT OF THE CITY OF BEREA TO SELL PERSONAL PROPERTY INCLUDING, BUT NOT LIMITED TO, VEHICLES, EQUIPMENT, TOOLS AND SUPPLIES, WHICH ARE NO LONGER NEEDED FOR PUBLIC USE OR ARE OBSOLETE OR UNFIT FOR THE USE FOR WHICH THEY WERE ACQUIRED, BY INTERNET AUCTION IN ACCORDANCE WITH OHIO REVISED CODE SECTION 721.15, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Berea has personal property, including motor vehicles acquired for the use of municipal officers and departments, road machinery, equipment, tools and supplies, which are no longer needed for public use, or are obsolete or unfit for the use for which they were acquired; and

WHEREAS, ORC 721.15 permits the sale of municipal property by internet auction; and

WHEREAS, the City has determined that selling personal property by internet auction is likely to yield higher returns; and

WHEREAS, ORC 721.15 requires that the legislative authority of a municipality adopt a Resolution annually expressing its intent to sell property by internet auction.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berea, State of Ohio:

**SECTION 1.** The Council of the City of Berea hereby expresses its intent to sell personal property that is not needed for public use, or is obsolete or unfit for the use for which it was acquired, by auction, including, but not limited to, internet auction.

**SECTION 2.** Such internet auctions may occur throughout the year and shall be conducted by a representative or representatives selected by the Mayor. In addition to the requirements set forth herein, the Mayor or his representative(s) are authorized to establish rules and regulations for the conduct of such internet auctions.

**SECTION 3.** The identity and contact information for the representative(s) shall be posted on the City's website at such time property is offered for sale, and shall appear in a manner similar to the one hereafter displayed:

GovDeals  
100 Capital Commerce Blvd., Suite 110  
Montgomery, Alabama 36117

**SECTION 4.** Personal property sold by internet auction shall be available for public bid for a minimum period of ten days, excluding Saturdays, Sundays and legal holidays.

**SECTION 5.** Upon the adoption of this Resolution, and at such time as it becomes effective, the Clerk of Council shall publish, in accordance with Ohio Revised Code Section 721.15 (D), notice of the City's intent to sell personal property that is not needed for public use, or is obsolete or unfit for the use for which it was acquired, by internet auction. Such notice shall also be posted outside the Clerk of Council's office and shall be displayed and maintained on the City's website.

**SECTION 6.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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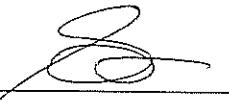
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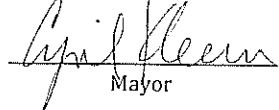
SECTION 7. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason that it is in the interests of the City of Berea and its residents to hold an auction at the earliest date permitted by law. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: December 5, 2016

  
President of Council

ATTEST: Alyssa Egan  
Clerk of Council

APPROVED: December 6, 2016

  
Mayor Kleem

Approved as to Form:

Barbara J. Borkowski  
Director of Law